

STATE GOVERNMENT SERIES

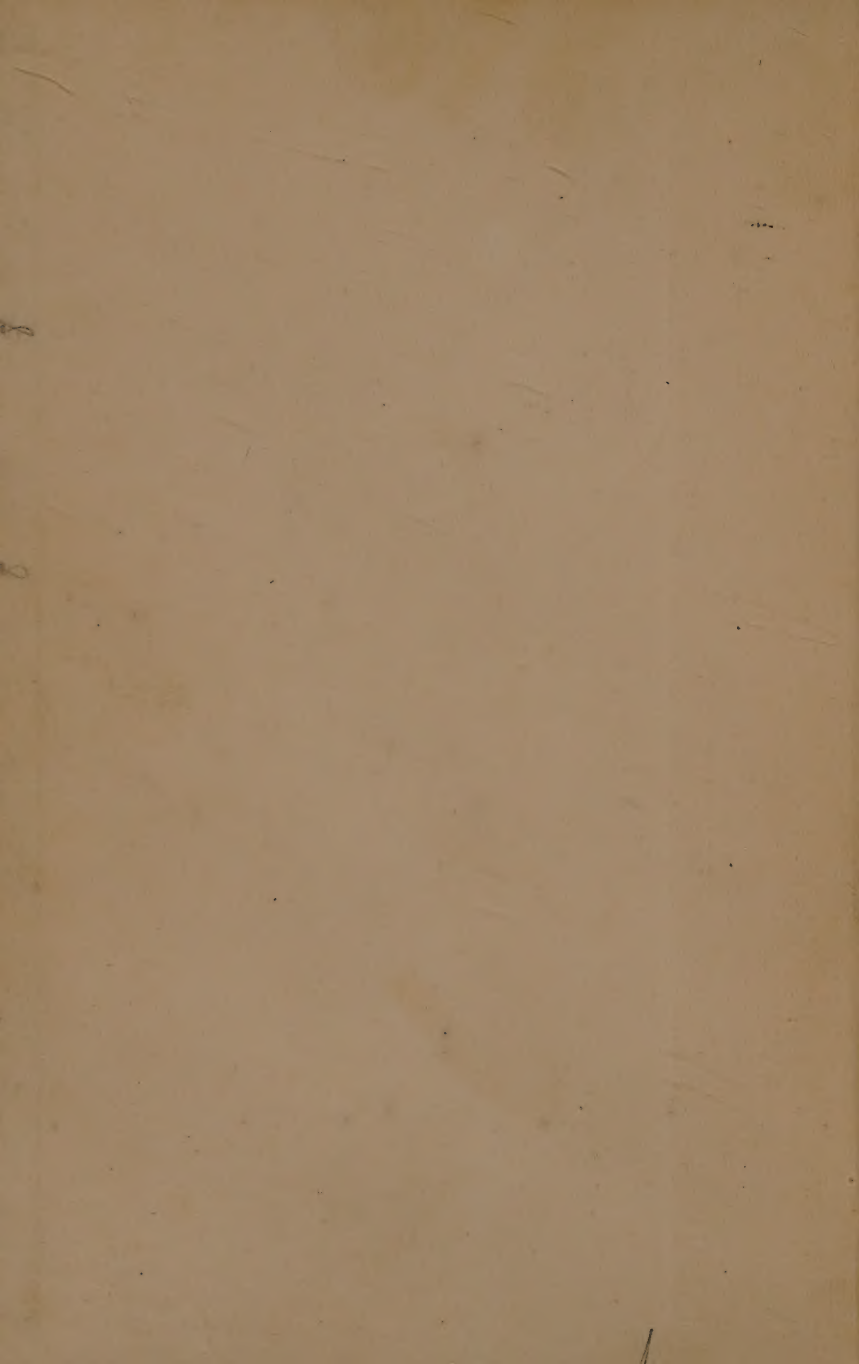
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# HISTORY AND GOVERNMENT WEST VIRGINIA



BY

VIRGIL A. LEWIS



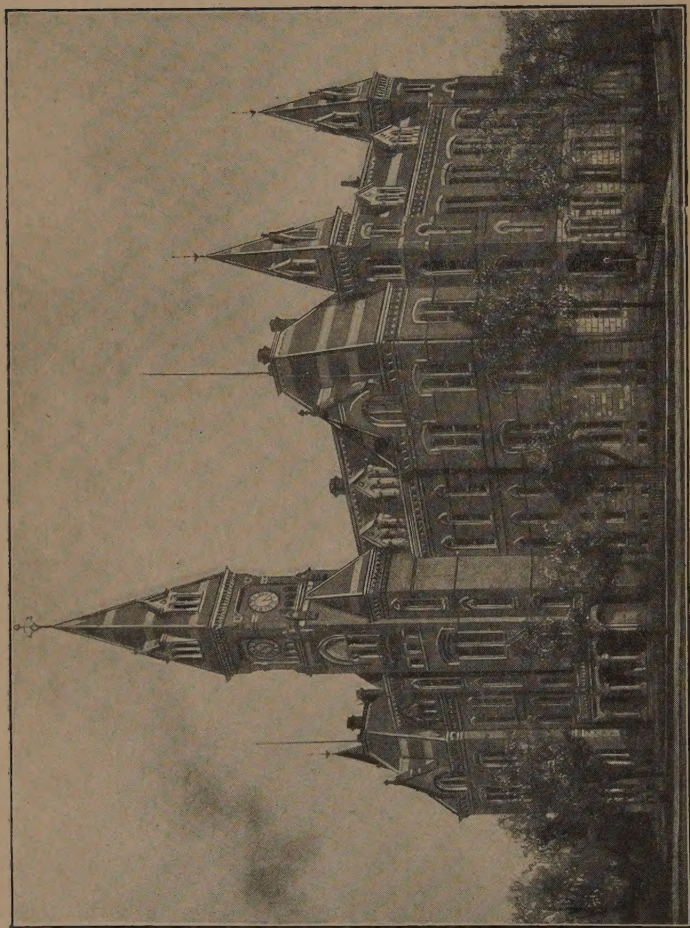
Isabel Phillips.











CAPITOL OF WEST VIRGINIA, CHARLESTON.

# HISTORY AND GOVERNMENT

OF

# WEST VIRGINIA

BY  
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STATE HISTORIAN AND ARCHIVIST

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Revised to 1913.

## INTRODUCTION.

The idea of preparing a history of West Virginia as a text-book for use in the public and private schools of the State was not born of a sudden impulse. For more than a quarter of a century the author was engaged in public school work, and nearly all that time in active classwork in the schoolroom. While so engaged he became strongly impressed with the fact that any course of instruction is seriously defective if it does not include a study that enables pupils to grow familiar with the history of their own State and people. History is also entitled to a place in the curriculum because it possesses high value as a character-builder, because its subject-matter is in itself deeply interesting, and because it readily leads into other subjects of the school course.

This book has been prepared for the use of schools, and its aim is to place in the hands of the children of West Virginia a faithful, non-sectarian and non-partisan history of the State in which they will eventually have to discharge the duties of citizens or residents. As West Virginia is one of the many States composing the Great Republic, enough of national history has been interwoven to enable the pupil to perceive in what manner and to what extent the local laws, customs and institutions of the State have been affected by events occurring in the progress of the Nation.

With the view of making pupils more familiar with the lives of such characters as have borne conspicuous parts in the history of the State, and that they may have before

them high examples from their own localities, of what individuals of this and preceding generations have been able to achieve in the different walks of life, a considerable number of short biographical sketches have been inserted as foot-notes or otherwise. The small size of the work does not permit these sketches to be as full as they should be; but it is hoped that when these have been read, the interest of the pupil will be sufficiently aroused to lead to the seeking for more complete information from other sources, regarding not only those herein mentioned, but the hundreds of others whose names are prominent in our annals.

It has been the endeavor of the author to prepare a volume, however humble, of authentic and unimpeachable history. If he has succeeded in his effort, he has at least contributed something to the cause of public education. And it is his hope that this contribution will enable the pupil to begin that preparation that will, in the future, make it possible for him to sketch for himself or others a picture showing in accurate outlines and features the noted men and events that go to make up the history of West Virginia.



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# HISTORY AND GOVERNMENT OF WEST VIRGINIA.

FROM PREHISTORIC TIMES TO THE PERMANENT  
SETTLEMENT OF WHITE MEN IN THE STATE.

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## PART I. HISTORY OF WEST VIRGINIA. CHAPTER I.

### A GEOGRAPHICAL AND PHYSICAL VIEW.

1. **Geographical Position of the State.**—West Virginia lies chiefly on the western slope of the Appalachian Mountain System, and is situated between  $37^{\circ} 6'$  and  $40^{\circ} 38'$  north latitude, and between  $0^{\circ} 40'$  and  $5^{\circ} 35'$  longitude west from Washington. It is territorially bounded on the north by Ohio, Pennsylvania and Maryland; on the east, by Pennsylvania, Maryland and Virginia; on the south, by Virginia and Kentucky, and on the west, by Kentucky and Ohio.

**2. Description of Boundary Lines.**—West Virginia is the most irregular in shape of all the States of the American Union. Why this is so, will appear as we progress in the study of its history. No legal description of its boundary lines has been prepared, but may be given thus: Beginning at a point on the summit of the Blue Ridge, one mile east of Harper's Ferry, where the Potomac breaks through that mountain barrier; thence with the said river to the mouth of the South Branch thereof; thence with the meanderings of the North Branch to its source or first fountain; thence with the meridian passing through the said first fountain due north to the southern boundary of Pennsylvania; thence due west to the southwest corner of Pennsylvania, and thence due north to the low water mark on the west bank of the Ohio river; thence with the said low water mark along the Ohio, to the mouth of the Big Sandy river; thence with that river and Tug Fork thereof, to the mouth of Knox Creek; thence to the western extremity of the dividing ridge now separating Virginia and West Virginia, and thence with the lines separating the several adjoining counties of the two States to the place of beginning. To travel around the state by the boundary thus described, would require a journey of 1,170 miles.

**3. Extent and Area of the State.**—The total area of the state is 24,715 square miles, of which 135 square miles are water surface. This area is almost twenty times that of Rhode Island; twelve times that of Delaware; five times that of Connecticut; three

times that of Massachusetts, and more than twice that of Maryland. The longest straight line that can be drawn across the State is that between a point on the Blue Ridge, one mile east of Harper's Ferry, and Virginia Point, at the mouth of Big Sandy river; it measures  $274\frac{3}{4}$  miles. The longest line that can be drawn through the State from north to south, if extended from the northern limit of Hancock county to a point on Dividing Ridge, on the southern border of McDowell county, would measure 245 miles.

**4. Physical Features of West Virginia.**—West Virginia is often called the "Little Mountain State." This is due to the presence of the western ridges of the Appalachian Mountain System, which extend

parallel through the eastern part of the State. These mountains are grouped under the general term of Alleghanies, but are known by various local names in different parts of the State: as the Greenbrier, Peters', Big Clear, the Yew Pine, the Gauley, the Black, the Rich, the Cheat, the South Fork, the North



MOUNTAIN SCENE IN RANDOLPH  
COUNTY.

Fork, the Jersey, the North mountains and others. Amid the lofty elevations the scenery rivals in grandeur and beauty any to be found elsewhere on the continent, or, perhaps, in the world. For this reason the

State is frequently spoken of as the "Switzerland of America."

**5. The Plateau Region of West Virginia.**—The mountain elevations around the sources of the Tug, Twelve Pole, Guyandotte and Cole rivers in the counties of Mingo, Logan, McDowell, Wyoming and Raleigh, are but a northern continuation of the Cumberland range of Tennessee and Kentucky, and they stand upon the Cumberland Plateau, which extends northward centrally through West Virginia, to the southern boundary of Pennsylvania. Upon this elevation lies all the hilly portion between the mountains and the Ohio river. This is the most extensive region of the State; its general character is that of vast ranges of hills with ever recurring valleys and ever changing scenes.

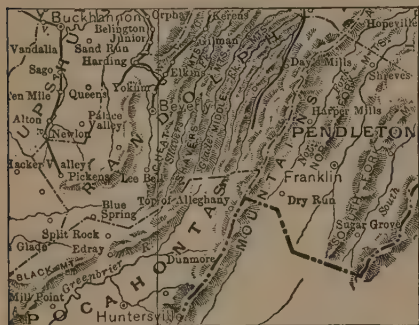
**6. Elevation Above Sea Level.**—The altitude of a country is a subject of much interest, for it not only determines in a great measure, the climatic conditions and products, but largely, the character of the inhabitants. The following elevations have been ascertained by the United States Geological Survey and may therefore be taken as accurate. At the mouth of Big Sandy river, the altitude is 510 feet above the Gulf of Mexico; at Wheeling, 645 feet; at the source of the Twelve Pole river, 997 feet; at Harper's Ferry, 279 feet above Chesapeake Bay; at the mouth of Tygart's Valley river, 875 feet; Loudoun Heights, Jefferson county, 1,000 feet; Little North Mountains, Berkeley county, 1,000 feet; Sleepy Creek Mountains, between Berkeley and Morgan counties, 1,500 feet; Mann

Knob, Wayne county, 1,437 feet; Powell Knob, Gilmer county, 1,460 feet; Bragg Knob, Clay county, 1,674 feet; High Knob, Braxton county, 1,720 feet; Milam Ridge, Wyoming county, 2,500 feet; East River Mountain and Stoney Ridge, Mercer county, 2,500 feet; Mitchell Ridge, Raleigh county, 3,000 feet; Flat Top Mountain, between Raleigh and Mercer counties, 3,500 feet; Swope's Knob, Monroe county, 3,000 feet; Big Sewell mountains, Fayette county, 3,500 feet; South Branch mountain, Hardy county, 3,000 feet; Keeney's Knob, Summers county, 3,955 feet; Cold Knob, Greenbrier county, 4,318 feet; High Knob, Randolph county, 4,710 feet; Spruce Knob, Pocahontas county, 4,730 feet; Spruce Knob, Pendleton county, 4,860 feet. The latter is the greatest elevation yet determined in the State.

✓ **7. The Rivers of West Virginia.**—The whole of the State lies within the Mississippi basin, except the counties of Berkeley, Morgan, Jefferson, Hampshire, Hardy, Mineral, Grant and Pendleton, which lie east of the mountains and belong to the Atlantic Slope drainage. All of the State west of the mountains, is drained into the Ohio by the Big Sandy, Twelve Pole, Guyandotte, Great Kanawha, Little Kanawha and Monongahela rivers, with smaller streams, all of which flow in a northwest direction. The Big Sandy river forms the boundary between West Virginia and Kentucky. The Great Kanawha has its source in western North Carolina, and its upper course above its junction with the Gauley river, is known as New River; its principal tributaries are the Greenbrier, the

Gauley, the Elk, the Coal\* and Pocatalico rivers. The principal tributary of the Little Kanawha is Hughes river which was once called Junius' river. The Monongahela, in its course, receives the waters of the Cheat and Tygart's Valley rivers. That portion of the state east of the mountains, is drained by the South Branch of the Potomac, the Opequon and Cacapon rivers and several smaller streams.

**8. Source of Six Rivers.**—From the lofty apex of the mountain region which connects the counties of



BIRTHPLACE OF RIVERS.

Pocahontas, Randolph and Pendleton, flow six beautiful mountain rivers, five of which drain the principal part of the State. These are the South Branch of the Potomac, Cheat river, the Tygart's

Valley river, the Elk river, the Greenbrier river and Jackson's river, the latter of which has its

\*The statement that this river was named for Samuel Cole and should be spelled C-o-l-e is a mistake. In 1742, John Peter Salley with John Howard, Josiah Howard and Charles St. Clair, left Augusta county, Virginia; crossed the mountains; descended New River to Richmond Falls; thence traveled westward to another river which they descended, and because "In those mountains we found great plenty of coals \* \* \* we named it *Coal River*," and such it is today. From the mouth of the Great Kanawha they descended the Ohio which had been discovered by the French explorer Robert, Cavalier la Salle, in 1669.

source beyond the State line and flows away to join the historic James river of Virginia. Each of the five rivers flowing through West Virginia has its first fountain on the highest elevation of the Alleghanies and two of them find their way to mingle their waters with those of Chesapeake Bay, whilst three of them by way of the Ohio and Mississippi, discharge their waters into the Gulf of Mexico. This mountain elevation may be called the "Birthplace of Rivers."

**9. Where Our History has been Made.**—It was here in the valleys of the rivers of West Virginia, upon the hills and amid the mountain fastnesses, that the events which go to make up the history of our State, have taken place. And we are now to learn of them, that hereafter we may study the history of other States and of the Nation; but before we can successfully do that, we must know the history of our own State. It will be a task of rare interest to all who shall carefully study it and thus learn how the territory within the State has been changed from a howling wilderness inhabited by wild beasts and savage men, to a land of schools, churches and thousands of happy homes, the abode of a brave and intelligent people who dare to maintain the enduring State as a part of the great Nation.

"No tyrant here can wield the accursed rod  
Where all breathe the atmosphere of God!  
This goodly land by Nature's stern decree  
Was preordained a land of liberty."

## CHAPTER II.

### THE MOUND BUILDERS AND INDIANS OF WEST VIRGINIA.

Prehistoric Time—Continued.

#### 1. The First Inhabitants of West Virginia.—

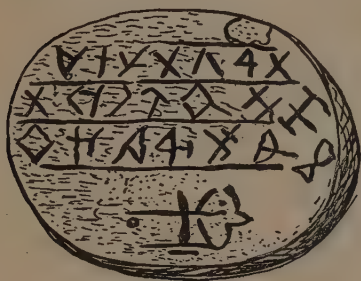
Before entering upon the study of the history of our



MAMMOTH MOUND AT MOUNDSVILLE.\*

\*This Mound is one of the greatest prehistoric monuments in America. It is 245 feet in diameter at the base; 79 feet in height, with apex flat and 50 feet in diameter. The first white man who saw it, so far as known, was Joseph Tomlinson, who built his cabin near it in 1770. Soon after, while hunting, he came upon a strange looking hill rising abruptly from the level plain. Proceeding to his cabin, he returned with his wife and the two made

State, it is proper that we make inquiry regarding the people who dwelt here before the coming of white



SCULPTURED STONE, FOUND IN  
MOUND AT MOUNDSVILLE.†

men. Who the first inhabitants were we do not know, for all the ages through which the New World passed, prior to its discovery by Columbus, are destitute of history and chronology. But that a race, now called Mound Build-

ers, far superior to the Indians, once existed on this continent, there can be not the least doubt. From the Atlantic on the east, to the Pacific on the west, and from the Great Lakes on the north to the Gulf

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the ascent where they stood upon the summit—the first English speaking people on the top of this, one of the greatest mounds on the continent; from that day to this it has stood the wonder of all beholders, and such, if not destroyed by the hand of man, it will continue to be through centuries to come. The Mound was opened in 1838, a tunnel ten feet wide and seven feet high being made along the natural surface to the center (a distance of 111 feet) to a vault. Then a shaft was sunk from the apex to connect with the tunnel. Two large vaults were discovered which contained human skeletons, copper rings, bracelets, plates of mica, ivory beads and ornaments. Within two feet of one of the skeletons was found the Inscribed Stone.

†This stone was found in the Mammoth Mound in 1838. The inscription is in unknown characters, resembling those used by the Scandinavian priests before the introduction of the Roman alphabet. It has never been deciphered and nothing like it has ever been found in America. It has attracted more attention

on the south, we trace them by the mounds which are to be found in almost every county of West Virginia, and throughout the Mississippi Valley and by the ruined structures in the southwestern part of our country. But, who were they? What their origin, and what their fate? Alas, we shall never know! Contemporary history furnishes no aid, for they were isolated from all the world beside. They have disappeared from the earth with not a line of recorded history left behind them.

“Antiquity appears to have begun

Long after their primeval race was run.”—*Campbell.*

**2. The Ancestors of the Indians.**—Were the Mound Builders the ancestors of the Indians? It is not probable that they were. At the time of the discovery of America, in 1492, many thousands of individuals, existing in all the various conditions of society, from the lowest stage of barbarism, to that of a half civilized state,

from scientists and antiquarians at home and abroad than any other relic found in the United States. The characters are now conceded to be of European origin, and, if this be true, then there is evidence that Europeans visited this continent before the coming of Columbus. But who were they? No reply can be made beyond the fact that they were of those acquainted with some ancient alphabet known and used along the coast and among the islands of the European continent. Powell, the antiquarian, says: “Four of the characters correspond to the ancient Greek, four to the Etruscan, five to the Norse, six to the Gaelic, seven to the old Erse, and ten to the Phœnician.” Certain it is that these characters were those of the ancient rock alphabet consisting of right and acute angled strokes used by the Pelasgi and other early Mediterranean people and which is the parent of the modern Runic as well as of the Bardic. How came this Stone to be in a West Virginia mound is a question which scientists and antiquarians will continue to ask, but one which will never be answered.

were found roaming from place to place in the American wilderness. They were altogether ignorant of the country from which their ancestors had come, and of the period at which they had been transplanted to the New World. And, although there were traditions among them seeming to cast some light upon these subjects, yet, when thoroughly investigated, they tended rather to bewilder than to lead to any satisfactory conclusions. They knew no more of the work of the Mound Builders than we do.

**3. The Tribal Organizations of the Indians.**—The Indians, though seeming to know nothing whatever of any form of national government, nevertheless existed in great tribal organizations, each having its distinctive characteristics and name, and each confined, in a way, to certain geographical limits and under the leadership of ruling chiefs. Thus, in New England, were the Pequods and Narragansetts; in New York and Pennsylvania, the Six Nations; in Virginia, the Powhatans; in Tennessee and other southern states, the Cherokees, Creeks, Catawbas, Seminoles and Yamasees, while north and west of the Ohio dwelt the Miamas, Potawatamies and several other tribes.

**4. The Indians of West Virginia.**—That part of the present State of West Virginia south of the Great Kanawha river was claimed by the Cherokees, while the region drained by that stream and its tributaries, was occupied by the Shawnees, one of the most warlike tribes with which the white people came in contact; they had towns within the present county

of Greenbrier, and a large one at the mouth of Old Town creek, in Mason county; this latter they abandoned about the year



AN INDIAN WARRIOR.

1763. That part of the State between the Little Kanawha river and the present site of Wheeling, was the hunting ground of the Mingos, who had their towns on the northern bank of the Ohio, near where Steubenville now stands. The valley of the Monongahela river was occupied by the Delawares, while the region now embraced in the counties of Morgan, Berkeley and Jefferson, was the home of the Tus-

caroras, which tribe removed from North Carolina in 1712, and, becoming one of the Confederate Tribes afterward known as the Six Nations, settled here. Tuscarora creek, which flows through the city of Martinsburg, derives its name from this tribe.

✓5. **The Supremacy of the Six Nations.**—The most powerful Indian Confederacy in America was that of the Six Nations, or the Five Nations, before

it was joined by the Tuscaroras; until then, it was composed of the Mohawks, Oneidas, Onondagos, Cayugas and Senecas. The names of rivers and lakes in western New York indicate the former residence of these tribes. Fierce and warlike, they triumphed over the Eries, Susquehannas and other eastern nations. Then turning southward, they carried their victorious arms to the Tennessee, and westward to the shores of Lake Superior, and in 1675, they compelled allegiance on the part of the Delawares, Shawnees and other tribes. Thus, by conquest, they established their title to all the territory between the Alleghany mountains and the Great Lakes, and thus their rule was supreme in West Virginia. The Indians residing here acknowledged their supremacy.

**6. The West Virginia Hunting Grounds.**—During the period of Indian occupation, West Virginia was a favorite hunting ground for many tribes. Over these extensive wilds, herds of bison, elk and deer roamed at will, all the way from the Alleghanies to the Ohio, and bear and much other game abounded in all this region. Here the Indian built his wigwam along the courses of the streams, and then chased the game through the dense forests, or wended his way along the war-path against the foe of his own race who had dared to trespass upon his hunting grounds.

✓ **7. Indian Battlefields Within the State.**—Long before the coming of white men to West Virginia, the Indians quarreled and warred among themselves

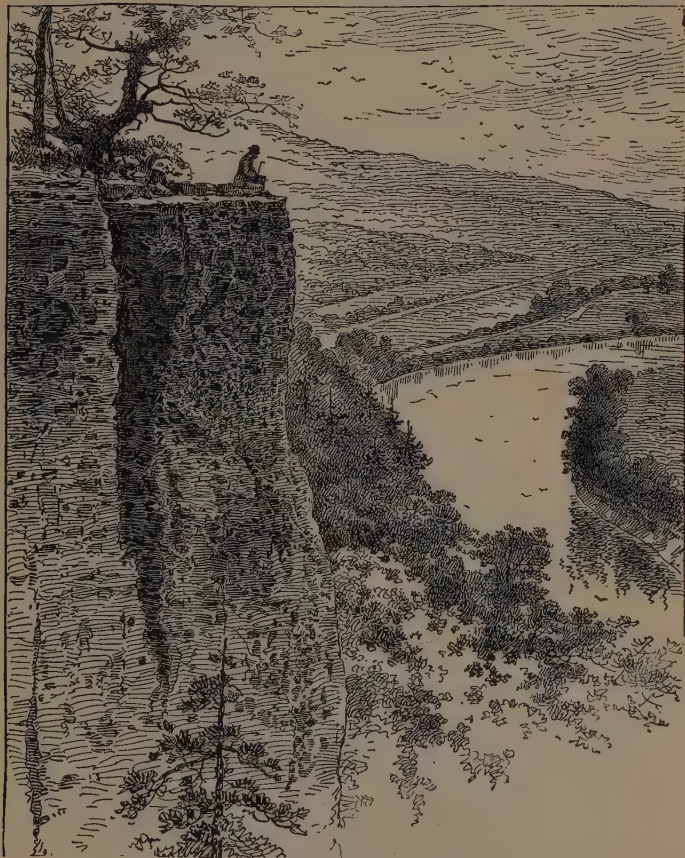
and engaged in many bloody battles. Traditions of these struggles were preserved and communicated to the white settlers when they came to occupy the land. A bloody battle occurred about the year 1700, opposite the mouth of Antietam Creek, now in Jefferson county, on the Potomac river, between the



AN INDIAN WIGWAM.

Delaware and Catawba tribes. Every Delaware engaged, except one, was killed and every Catawba carried away a scalp. Other engagements between the savage warriors took place at the mouth of Opequon, near the mouth of the South Branch of the Potomac,

and at Hanging Rocks, now in the county of Hampshire. This latter was, perhaps, the most fiercely



HANGING ROCKS, HAMPSHIRE COUNTY.

contested battle which the Indians ever fought among themselves in West Virginia.

**8. Indian Geography of West Virginia.**—These Indian inhabitants knew all the country in which they lived and had given names—many of them pretty ones—to all the prominent landmarks and rivers of the State. Far to the northward and southward stretched a vast mountain system, and the Indians called it Ap-pal-ach-ia, meaning “the endless mountains.” They clambered over the mountains so long covered with snow and they called them the “Allegha-ny,” signifying “the place of the foot print,” or “the impression of the feet.”

**9. Indian Names of West Virginia Rivers.**—The Indians warred for the possession of the Ohio Valley and the name “Ohio” was given to the river, meaning the “river of blood.” The Big Sandy river was called the “Chat-ter-a-wha,” the “river of sand-bars”; the Guyandotte river, the “Se-co-nee,” the narrow bottom river”; the Great Kanawha river was the “Ken-in-she-ka,” meaning in the Shawnee language “the river of evil spirits” but the Delawares called it the Kan-a-wha, “the place of the white stone.” O-nim-go-how was the name of the Little Kanawha river; Po-co-tal-i-co meant “plenty of fat doe”; Cole river was the “Wal-hon-de” of the Delawares, signifying the “hill creek”; the Shawnees called Elk river, “Tis-ke-l-wah,” “river of fat elk,” but the Delawares called it “Pe-quo-ni,” “the walnut river”; Paint creek, a tributary of the Great Kanawha river, was known to the Delawares as “Ot-to-we,” or “deer creek”; Gaulley river was the “To-ke-bel-lo-ke” of the Delawares, meaning the “falling creek”; the Greenbrier

river was known to the Miamas as the "We-ot-owe," while the Delawares called it "O-ne-pa-ke"; Blue Stone river was the "Mo-mon-go-sen-eka," "the big stone creek," of the Delawares who called East river the "Ta-le-mo-te-no." The Shenandoah was "the river of the stars"; the Po-to-meck has been changed to its present form; the South Branch of the Potomac was the "Wap-pa-tom-ica," and the North Branch the "Co-hon-go-ru-ta", meaning the "river of the wild goose;" the Delawares called the river on which they lived the "Mo-non-ga-he-la" signifying the "river of caving banks." "Weeling," "the place of the skull," was the name of Wheeling creek, and from it we have the name of the principal city of the State.

#### 10. The Indian as a Factor in Our History.—

Such was West Virginia, its inhabitants and geography, before the coming of white men, who were destined to build homes in the wilderness, but in doing this, they were to dispute its possession with the Indians, who for more than a hundred years waged a fierce and relentless warfare upon the white settlers. But it was a struggle between civilization and barbarism and the result was the final supremacy of the former. The people who once occupied West Virginia, and made much of its history, have been driven out of the territory now embraced within the State, driven beyond the Mississippi to the western part of the Continent.

"A moment, and the pageant's gone;

The red men are no more.

The pale-faced stranger stands alone

Upon the river shore."

—Paulding.

## CHAPTER III.

### THE FOUNDING OF EUROPEAN COLONIES ON THE ATLANTIC COAST.

From 1607 to 1669.

**1. The Partition of a Continent.**—No sooner did Columbus make known to Europe the existence of a New World, than many nations hastened to possess portions of it. Spain was the country that aided Columbus in making the discovery and that kingdom proceeded to conquer its newly acquired possessions, and by these triumphs, the civilizations of Mexico and Peru perished from the earth. France was not slow to profit by the discovery of Columbus. Far away, hundreds of miles toward the Arctic Circle, she took possession of the country along the St. Lawrence and around Lake Champlain, and hastened to plant colonies. Between the Spanish possessions on the south and those of France on the north, lay a territory extending from the 34th to the 50th parallel of north latitude, and stretching from the Atlantic to the Pacific. England laid claim to all this region, basing her right upon the discoveries of John and Sebastian Cabot, who were the first to explore the eastern coast of North America, they having sailed from Labrador to the Capes of Virginia in the year 1498.

## **2. How West Virginia was Settled by White Men.**

—West Virginia being an inland State, was not settled by emigrants from Europe, as were the States along the Atlantic Coast. It was from these that the white settlers of West Virginia chiefly came, and if we would properly understand the history of our own State, we must, before beginning its study, learn something of the colonization of the States from which the people came to settle ours.

**3. Colonization of Virginia.**—Virginia, of which West Virginia was so long a part, is the oldest American State. One hundred and fifteen years passed away after the discovery by Columbus, and in that time, no white man had found a home in all the country from the Everglades of Florida to the Pine-clad hills of Nova Scotia. But the time was now at hand when civilized men should come to found a great nation in America. In 1606, the English King, James I., granted a patent for territory in America to a corporation composed of men of his kingdom, to be known as the Virginia Company of London, and the object was the founding of a permanent colony in the New World.

**4. Collecting the Colonists.**—The Company immediately set about the work before it, and colonists to the number of one hundred and five were speedily collected in and about London, and a little fleet, which was to bear them from the shores of the Old World to the wilds of the New, lay at anchor at the docks of Blackwall, and here, on December 19th, 1606, the colonists went on board, and the next day

the ships anchored at London. Three small vessels, that would not now be thought worthy to attempt the passage of the Atlantic, composed the fleet. They were the "Susan Constant" of one hundred and twenty tons burden, commanded by Captain Christopher Newport, and carrying seventy-one persons; the "God-speed" of forty tons, Captain Bartholomew Gosnold, and having on board fifty-two persons, and the "Discovery," a pinnacle of twenty tons, Captain John Radcliffe, bearing twenty-one persons. The number of persons on board aggregated one hundred and thirty-four, of whom twenty-nine composed the ships' crews and the remaining one hundred and five were colonists.

**5. The Departure from England.**—On Saturday, December 20th, 1606, the ships dropped down the Thames river, but they were buffeted by contrary winds and, January 1st, 1606-7, they cast anchor in the Downs. Here, for six weeks, continuous storms detained them in sight of England. But at length the tempest abated. Again the sails were spread and the little fleet stood out to sea. Gentle winds wafted it onward and the shores of England faded from view, and the blue hills of Ireland disappeared in the distance. The ships were steered to the southwest, and, in time, reached the Canary Islands. There they took in a supply of water, and five days later, sailed for San Domingo.

**6. The Colonists at Sea.**—Winds drove the fleet onward over the billows and on February 24th, 1606-7,\* it cast anchor at San Domingo. April the

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\* This manner of the double dating of events occurring between the 1st day of January and the 25th day of March, in all the years

10th ensuing, the voyage was continued, and the ships were steered northward in hope of finding the long-sought haven. On April 14th they crossed the Tropic



THE FLEET ON THE OCEAN.

of Cancer and on the 21st, at 5 o'clock in the evening, they were overtaken by a terrific storm of wind, rain and thunder, but the ships out-rote it, and on April 26th, the watch descried land to the westward.

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between 1582 and 1752, is observed by writers of that period. Until the last named year, the 25th of March was regarded as New Year's day, or the first day of the year, and since that time the 1st day of January has been so regarded. England and her American colonies adopted the latter method in 1752, in compliance with an act of Parliament, which provided that the calendar according to which the year begins on the 25th of March, should not be used after the 31st day of December, 1751, and the 1st day of January ensuing should be called and known as the first day of the year 1752, and each succeeding year, throughout the British Dominions. From this it will be seen that the method of double dating here used, is very necessary, for if we regard March 25th as the beginning of the year, then the ships reached San Domingo February 24th, 1606; but if we consider the year as beginning on the 1st day of January, then the ships anchored at San Domingo February 24th, 1607.

**7. The Fleet on the Coast of Virginia.**—Because of unfavorable winds, these founders of the oldest American State were tempest-tossed on the restless ocean for long weeks and months, during a portion of which time many were ill, and Robert Hunt, their preacher, was so sick that it was thought that he could not survive. It was the 26th day of April—one hundred and twenty-eight days after the departure from Black-wall—when they entered the mouth of Chesapeake Bay, and upon the capes on either side, they bestowed the names of Charles and Henry, in honor of the sons of King James, the first of whom was afterward the unfortunate Charles I., and the second is known to history as Prince Henry. The ships, after entering the bay, lay at anchor for several days at Old Point Comfort.



RUINS OF JAMESTOWN.

✓ **8. The Founding of Jamestown.**—On May 12th the sails were again unfurled and the ships were steered

into the mouth of a magnificent river, which the natives called Powhatan, but to which the Colonists gave the name of James, in honor of their beloved sovereign. The voyage was continued up the river to a point about fifty miles from its mouth, and here on May 13th, 1607, these cavaliers went on shore and laid the foundation of Jamestown, the oldest permanent English settlement in America. This was thirteen years and six months before any other English colony was established in what is now the United States.

✓ **9. Settlement of Massachusetts.**—From Massachusetts came some of the pioneer settlers of West Virginia. This was the second American State permanently settled by the English. One stormy day in December, 1620, a little ship named the "Mayflower" hove in sight off the bleak shore of Cape Cod, on the coast of Massachusetts. On board the ship was a band of devoted Christian people, who, more than two months before, had left England, and during all that time had been buffeted by wind and wave on the broad Atlantic; but the voyage was now past, and, at last, when all had almost given way to despair, these heart-sick men and women reached the long-looked-for harbor, and upon the 21st of this mid-winter month, after having spent some time in exploring, the weary voyagers landed at Plymouth Harbor, which they named after the place they had left behind them in their native land. Such was the beginning of New England.

**10. Colonization of Maryland.**—The "Ark" and the "Dove"—names emblematic of safety and peace

—were two historic ships. They bore the first colonists to Lord Baltimore's province of Maryland, a State now so intimately connected with our own. It was October, 1633, when the settlers, two hundred in number, went on board and the ships sailed from Gravesend, near the mouth of the Thames river. They touched at Cowes, on the Isle of Wight, and November 22d, steered for the Azores, and then for the West Indies. Reaching Barbadoes, the vessels were detained for some time and did not reach Chesapeake bay until the 27th day of February, 1633-4. At Point Comfort both vessels received supplies. Thence they proceeded slowly up the bay, and on the 27th of March—thirty days after passing the capes of Virginia—amid the booming of cannon from the ships, the immigrants went on shore and founded St. Marys, the oldest settlement in Maryland. Here had landed the men who were to make this State famous as the home of liberty-loving people. Many early West Virginia settlers came from Maryland.

**11.—The First Colonists of South Carolina.**—South Carolina soldiers served in West Virginia during the Indian wars, and the history of the people of that State is, therefore, connected with the early annals of our own. The colonists, two hundred in number, destined for South Carolina, left England in 1669. The ships that conveyed them, were the "Carolina," the "Port Royal," and the sloop "Albemarle." Leaving England, the little fleet put in at Kinsale, Ireland, for additional emigrants. Then the sails were spread, and, the "Carolina," with

ninety-three passengers on board, in the lead, the pilots steered for the West Indies. The ocean was crossed, but the "Albemarle" went down before a hurricane at Barbadoes, and the "Port Royal" met a similar fate among the Bahamas. A sloop was purchased at Barbadoes to convey the rescued passengers, but she was parted from the "Carolina" by a storm on the high seas and was driven into a port at the Bermudas. There, too, the "Carolina" cast anchor, but both vessels sailed on the 26th of February, 1669-70, and early in March, reached Seewee, now Charleston, and thence proceeded to Port Royal Harbor. Here they remained until April, when the voyage was continued to Kiawah, now Ashley River, where the emigrants went ashore and laid the foundation of Charleston, the first English settlement in South Carolina.

✓12. **The Land of William Penn.**—Many of the people of West Virginia now trace their ancestry back a century or more to Pennsylvania homes. The name of the ship that bore William Penn to Pennsylvania was the "Welcome," and the account of her voyage is a sad recital. When out from port but a few days, the smallpox appeared among the passengers, and before land was sighted, a third of them were dead. The "Welcome" was tempest-tossed, but she outrode the storm, passed the capes at the entrance of Delaware bay, and four days later, October 27th, 1682, cast anchor where New Castle now stands.

13. **The Coming of the Founders of Georgia.**—Another historic ship left England in 1732. It was

the "Anne," of two hundred tons burden, Captain Thomas, and having on board two hundred colonists, men, women and children, destined as the founders of Oglethorpe's province of Georgia. The "Anne" left the English coast November 17th, 1732, and on January 13th, 1732-3, reached Charleston Harbor on the coast of South Carolina. Thence passing on to the Savannah river, the colonists went ashore on its right bank and began building Savannah, the oldest city in Georgia. These were the founders of the last one of the thirteen original colonies; that is, those existing at the beginning of the Revolution.

**14. The Beginning of the States was the Beginning of the Nation.**—From these small beginnings great states have developed and with others, they have united and formed the great Nation—the United States of America, of which the State of West Virginia is one. From these States on the Atlantic coast, which we have mentioned, many people came to settle in West Virginia; especially is this true of Pennsylvania and Maryland. But the great mass of those who first found homes in our State came from that part of Virginia east of the Blue Ridge, and that the story of the two Virginias, inseparable as it is, may be studied connectedly, we must return to that little Colony planted on the bank of the James river in 1607; for around it as a central point is grouped the early history of the Virginias, as well as much of our national history.

**15. The Character of the Virginia Colonists.**—We have seen how the first settlers came to Virginia.

The early annals of the Colony abound with evidence that they were a devoted Christian people, who saw and recognized not only the guiding hand of Providence in all their affairs, but, in the wilderness, were firm believers in the teachings of Christianity. The principal mover of the organization of the Virginia Company of London was Richard Hackluyt, himself a minister and prebendary of Westminster. The Company gave to the colonists, when ready to sail, a series of orders, the last of which was as follows: "Lastly and chiefly, the way to prosper and achieve good success is to make yourselves all of one mind, for the good of your country, and your own, and to serve and fear God, the Giver of all goodness; for every plantation which Our Heavenly Father hath not planted shall be rooted out." Rev. Robert Hunt was the first minister in Virginia, and before the erection of a church at Jamestown, the people prepared a place of worship by attaching a piece of sail-cloth to three or four trees as a protection from the sun, and for a pulpit a bar of wood was spiked to two trees. There met the first church organization of Virginia, and the first of English speaking people in America.

**16. The First Efforts to Establish a School in the United States.**—The first effort to establish a school of any character in the United States, was made at Jamestown in Virginia. The Virginia Company, composed, as it was, of men desiring the intellectual development of the colonists, ever urged the importance of education, and in 1619, it supplemented

the £1,500 collected, by a donation of 15,000 acres of land to aid the Indian Mission school at Henrico. But this was not the only effort in this direction. In 1621, the devoted Rev. Patrick Copland, chaplain of an East India ship, collected funds to aid in the establishment of a Free School in Charles City, Virginia, the said institution to be known as the East India School.

**17. From the Sea to the Mountains.**—For a number of years after the founding of Jamestown the settlements were confined to the valley of the James river, but at length the population increased until the homes of civilized men extended far into the interior, and this, too, despite the fierce warfare carried on by the Indians. In 1670, there were 40,000 English speaking people in Virginia, so that by that time thousands of homes dotted all the landscape from the sea to the mountains. These hardy pioneers had extended the domain of civilization even to the base of the Blue Ridge, but no one had dared to found a home beyond that rocky barrier. So with Virginia's sister colonies to the north and south. They had greatly increased in population and had extended settlements, but none of them west of the mountains. But "Westward the Star of Empire takes its way." West Virginia lay in its line of march and it is, in point of settlement, the oldest American State west of the Appalachian mountains, and no other commonwealth has a more interesting or instructive history than it.

## CHAPTER IV.

### EXPLORATION AND FIRST PERMANENT SETTLEMENT.

From 1669 to 1735.

**1. Exploration of John Lederer.**—The first white man within the present limits of West Virginia was John Lederer. He was a German by birth and was an authorized explorer in the employment of Sir William Berkeley, a Colonial Governor of Virginia. Lederer made several journeys into the wilderness to the westward. On one of these, he crossed the Blue Ridge, in the vicinity of Harper's Ferry, in what is now Jefferson county, West Virginia. From here he appears to have journeyed farther to the west over the mountains into what is now Hampshire county, and, probably, visited the valley of Cheat river. This exploration was made in 1669. A map of the same has been preserved on which is a delineation of the Potomac river, represented as being divided into two branches.

**2. The Discovery of the Ohio River.**—By a singular coincidence, at the same time that John Lederer was exploring the mountain region of West Virginia, a representative of another nation beyond the sea, saw the western part of the State, when descending the Ohio river. This was Robert Cavelier La Salle, one of the most eminent French explorers of the New

World. It was in the year 1663, that Europeans heard of the Ohio river, and the first intimation of its existence came from the Indians to Dollier, a



STATUE OF LA SALLE  
LINCOLN PARK, CHICAGO.

French missionary in Canada. It was reported to be almost as large as the St. Lawrence. This information inspired the adventurous spirit of La Salle with a desire to behold the great river. Accordingly, with Indian guides, he began his journey by way of Onondaga, New York. In October, 1669, he reached the Allegheny river which

he descended to its junction with the Monongahela, and thence continued down the Ohio as far as the falls—now Louisville, Kentucky. There his guides deserted him and he was compelled to make his way back to Canada alone. The first white men who reached the Falls of the great Kanawha, were Thomas Batts, Robert Fallam, and Thomas Woods, who, with Jack Neasam, left the Appomattox Indian town on the Appomattox river, in Virginia, September 1, 1671, and fifteen days later arrived at the Falls.

**3. Expedition of Governor Spottswood over the Blue Ridge.**—Alexander Spottswood was one of the most distinguished individuals that controlled the destiny of Colonial Virginia. Hardy pioneers had extended civilization over the eastern part of the

Colony, but of the region to the westward, nothing was known; the time was now come when white men should penetrate the vast wilderness and return to tell the story of its wonderful resources. Governor



ALEX. SPOTTSWOOD.\*



LADY SPOTTSWOOD.

Spottswood equipped a party of thirty horsemen, and, heading it in person, left Williamsburg, then the capital of Virginia, on June 20th, 1716.

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\*Alexander Spottswood, who led the party, was born in 1676, at Tangier, then an English Colony, in Africa, his father being the resident surgeon. He was a thoroughly trained soldier, serving on the Continent under the Duke of Marlborough. He was dangerously wounded at the battle of Blenheim, in 1704, when serving as quartermaster-general, with the rank of Colonel. He arrived in Virginia in 1710, as Lieutenant-Governor under George Hamilton, the Earl of Orkney, and his administration was the most able of all the Colonial rulers. He, in connection with Robert Carry of England, established the first iron furnace in North America. In 1730, he was made Deputy Postmaster-General for the American Colonies, and it was he who promoted Benjamin Franklin to the position of Postmaster for the province of Pennsylvania. He rose to the rank of Major-General and,

#### 4. The Party on the Summit of the Blue Ridge.

—Pressing onward through King William and Middlesex counties, they reached the Blue Ridge, which they passed by way of Swift Run Gap. Crossing the Shenandoah river, the intrepid governor and his party pushed onward across the Shenandoah Valley and up the mountains until, on September 5th, 1716, on one of the loftiest peaks of the Appalachian range, probably within the present limits of Rockingham county, Old Virginia, they halted and drank a health to King George. What a spot! never before had the voice of civilized man been heard amid this mountain fastness. Here Robert Brooke, one of the party and the king's surveyor-general, conducted the first scientific observation ever made upon the Appalachian mountains.

**5. The Knights of the Golden Horseshoe.**—The party returned to Williamsburg and gave the most glowing description of the country which they had visited, and for the purpose of inducing emigration to this far western land, Governor Spotswood established the Trans-Montaine Order, or Knights of the Golden Horseshoe, giving to each of those who had accom-

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when on the eve of embarking with troops destined for Carthage, died at Annapolis, Maryland, June 7th, 1740. He owned the house in which Lord Cornwallis afterward signed the articles of capitulation at Yorktown.

Lady Spotswood, who became the wife of Governor Alexander Spotswood, in 1724, was Anne Butler, daughter of Richard Brayne, of Westminster, England. She derived her middle name from James Butler, Duke of Ormond, her god-father. There are many descendants of the issue of this marriage in Virginia and West Virginia.

panied him a miniature horseshoe; some of these were set with valuable stones, and all bore the inscription, *Sic jurat transcendere montes*—Thus he swears to cross the mountains. These were given to all who would accept them with the understanding that they would comply with the terms implied in the inscription.

✓ **6. Shenandoah the Home of Savage Men.**—The valley region includes all the territory lying between the Blue Ridge on the east and the Alleghany mountains on the west. The first quarter of the eighteenth century passed away and savage men roamed back and forth through all its wide extent, and quarreled and warred among themselves for the possession of the hunting grounds, then a howling wilderness. But the time was near at hand when those who were to settle the land, were to occupy it. The Shenandoah Valley was to be redeemed from the sway of barbarous men and made the dwelling-place of civilization.

**7. No Definite Western Boundaries of Virginia's Border Counties.**—Virginia was the first state in the world composed of separate political divisions based upon the principle of representative self-government. In 1634, twenty-seven years after the founding of Jamestown, the colony was divided into eight counties or shires, similar to those of England. Virginia ever tried to keep civil government abreast of her most adventurous pioneers, and to accomplish this, the House of Burgesses—the legislative body of the Colony—continued to make provision for the formation of new counties. These were usually established

with defined boundaries except on the west, where the county extended indefinitely into the wilderness, so that the settlement on the utmost bounds of civilization would be included.

**8. Exploration of John Van Matre.**—About the year 1725, John Van Matre, a representative of an old Dutch family of New York, traversed the valley of the South Branch of the Potomac. He was an Indian trader making his headquarters with the Delawares, a part of which tribe then resided on the Susquehanna river in Pennsylvania, whence he journeyed far toward the south to trade with the Cherokees and Catawbias. Returning to New York, he advised his sons, if they ever removed to Virginia, to secure lands on the South Branch, these being, as he said, the best he had seen.

**9. Morgan Morgan, the First White Man to Find a Home in West Virginia.**—John Lederer came as an explorer; Governor Spottswood and party came as adventurers; John Van Matre came as an Indian trader, but his sons, whom he advised regarding the fertile lands of the South Branch, were not to be the first to establish a home within the State. Morgan Morgan was the name of him who reared the first cabin home in West Virginia. The year was 1726-7, and the place was the vicinity of the present village of Bunker Hill, on Mill Creek, in Mill Creek magisterial district, in what is now Berkeley county. Morgan Morgan was a native of Wales, from whence he emigrated in early life to Pennsylvania. He was a member of the Church of England and noted for his exemplary piety. With the

soberness of a sound mind and the earnestness of a pious heart, he went about doing good, but forgot not his own household. Late in life he became a minister of the church, and was a power for good in that wilderness land. Such was the character of the man who established the first Christian home in West Virginia.

**10. The Founding of Mecklenberg, now Shepherdstown.**—One mile below the present town of Shepherdstown is what has been known for nearly two hundred years as the “Old Pack-horse Ford,” which was the only crossing of the Potomac river east or west of it. By way of this ford came the Germans from Pennsylvania, who found here the gateway to the fertile lands south of the Potomac. Hither came a number of them as early as 1727–8, and once across the river they saw on all sides the grey limestone, reminding them of similar scenes in the Fatherland, and here they halted. They built a little village which they called New Mecklenberg, from the city of that name in Germany. Thus was founded the oldest town in West Virginia. Thirty-four years later the Virginia House of Burgesses legally established the town and afterward changed the name to that of Shepherdstown, in honor of Thomas Shepherd, who laid it out.

**11. The Van Matre Patent.**—It has been stated that John Van Matre, the Indian trader, advised his sons to secure lands on the Virginia frontier. One of them, Isaac Van Matre, visited that region about the year 1727, and so pleased was he that, in 1730, he and his

brother John, received from Governor Gooch a patent for 40,000 acres of land which they located and surveyed the same year. Much of it was in what are now Jefferson and Berkeley counties.

**12. Joist Hite's Colony.**—In 1731, the Van Matres sold a part of these lands to Joist Hite, who, in the year 1732, with his family and three of his sons-in-law, George Bowman, Jacob Chrisman and Paul Froman, and other persons to the number of sixteen families, left York, Pennsylvania, and cutting their way through the wilderness, crossed the Potomac at the "Old Pack-horse Ford," and thence proceeding up the Valley, found homes in the vicinity of Winchester. These settlements were made in what is now Frederick county, Virginia, and, therefore, not within the present borders of this State, but we make mention of them, for they exerted a great influence upon the early settlements within the present boundaries of Berkeley and Jefferson counties.

**13. Other Early West Virginia Pioneers.**—In 1730, and the years immediately following, a number of daring frontiersmen found homes in West Virginia. They settled principally upon the Opequon, Back creek, Tuscarora creek, Little and Great Cacapon, along the Potomac and in the South Branch Valley. Some were Scotch-Irish and Germans, but these were not the only people who found early homes in West Virginia; for in its occupation and settlement, there were blended almost all of the elements of European civilization which were transplanted to our country. For awhile these distinct elements maintained their

individuality, but a long series of Indian wars, together with the Revolution, forced them into a united whole, and so complete was the assimilation that instead of a later divergence they have by common interests become more firmly bound together.

“Our forest life was rough and rude,  
And dangers closed us round ;  
But here amid the green old wood,  
Freedom was sought and found.”

—*Gallagher.*

## CHAPTER V.

### IMPORTANT EVENTS IN THE EARLY HISTORY OF THE STATE.

From 1730 to 1754.

**1. Establishment of Local Government in West Virginia.**—The Virginians have always been a liberty-loving and a law-abiding people, and as they advanced westward into the wilderness they endeavored to have civil government extended over them. At the time of the settlement of Morgan Morgan, and the coming of the German mechanics to Shepherdstown, the country occupied by them was within the limits of Spottsylvania county the western limit of which was undefined. In 1734, Orange county was formed from Spottsylvania and the inhabited part of West Virginia was included in it until 1738, when the House of Burgesses created Frederick county, the northern half of which was about the same as that of the present counties of Berkeley, Morgan and Jefferson. But five years passed away and it was 1743 before there was sufficient population to justify the organization of Frederick county, and it was not until that year that Governor Gooch named the justices of the Peace for the new county. Morgan Morgan was the first one named and thus the first settler in West Virginia became the first civil officer within the limits of the State.

**2. Treaty with the Indians at Lancaster.**—The settlements on the borders of Virginia, Pennsylvania and Maryland, were rapidly extending to the westward and thus encroaching upon the lands of the Indians; lands, which, as we have seen, were claimed by the Six Nations. That matters might be satisfactorily adjusted the Colonies named secured a meeting of the chiefs with the commissioners, those on the part of Virginia being Thomas Lee and William Beverly. The negotiations began June 22d, 1744, and continued until July 4th ensuing, the place of meeting being Lancaster, Pennsylvania. A peace was concluded and the region lying between the Alleghanies and the Ohio was ceded to the English, the consideration being £400. Thus the title to what is now West Virginia passed for the time being from the Six Nations and vested in the English King.

**3. The Fairfax Land Grant.**—What is known as the "Fairfax Land Grant" was an important factor in the early settlement of West Virginia. In the twenty-first year of the reign of King Charles II. (1681), a grant was made to Lord Hopton and others, of what was known as the Northern Neck of Virginia. The proprietors sold it to Lord



THOMAS, LORD CULPEPER.\*

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\*Thomas, Lord Culpeper, Baron of Thorsway, was appointed Governor of Virginia by King Charles II., July 8, 1675, but did not

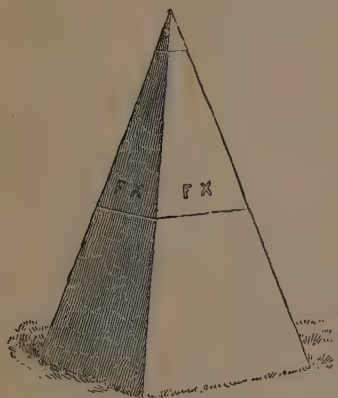
Culpeper to whom it was confirmed in the fourth year of King James II. (1688). This immense estate embraced all of the territory lying between the Potomac and Rappahannock rivers in Virginia, and all of the present counties of Jefferson, Berkeley, Morgan, Hampshire, Hardy, Grant, Mineral and a part of Tucker, in West Virginia. The grant descended from Lord Culpeper to his only daughter, Catharine, who married Thomas, fifth Lord Fairfax, from whom the estate descended to their eldest son, Thomas, who became the sixth Lord Fairfax.

**4. Efforts to Fix the Boundary of the Fairfax Estate.**—In 1733, Lord Fairfax petitioned the King, asking that commissioners be appointed to determine the bounds of his patent. The request was heard with favor and the commissioners, having been appointed, assembled at Fredericksburg, Virginia, in 1734, and the journey to survey the Potomac and find its head spring, or first fountain, began from that place. On November 18th, the party was on the Potomac river, four miles above the mouth of the Shenandoah river, now in Jefferson county, West Virginia. This was the first surveying party ever sent into this State.

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arrive in the Colony until 1680, when he brought with him an act for the "free and general pardon, indemnity and oblivion" for all participants in "Bacon's Rebellion." He is described as an able but artful and covetous man. In 1669, he had a half interest with the Earl of Arlington, in the grant for the "Northern Neck," which embraced all of what was afterwards known as the Fairfax Estate. He purchased Arlington's interest and thus became sole proprietor, and his daughter, Catharine, his sole heiress. Culpeper was removed from office, the charges against him being heard by a jury in Middlesex County, England. He died in 1719.

**5. The Planting of the Fairfax Stone.**—At the mouth of the South Branch a halt was made, but the North Branch was decided to be the true continuation of



THE FAIRFAX STONE.\*

the Potomac and onward along its winding course proceeded the surveyors, chainmen, axemen and attendants, until the first fountain of the North Branch was reached. Then the party returned and the surveyors made a map and sent it with their report to England. This the king did not approve until April 1745, in which year Lord Fair-

fax came to Virginia never more to return to England. Other commissioners were appointed to mark

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\*The Fairfax Stone, which was the first monument erected to mark ownership in land in this State, had a square base, each side of which was two feet and six inches; it was constructed of sand-stone, and was built up as shown to a point or apex four feet and six inches from the base. The base was on a level with the surface, and the stones forming the pyramid were three in number, two of which were each two feet high, and the cap-piece or apex, six inches high, all joined. There was no date, but on the middle stone, on each of the four sides were the letters "F X" The joints were cemented and the cutting perfectly true. This stone, one of the most interesting historical monuments in the United States, was destroyed, in December, 1884, by some unknown person, but it is believed to have been the work of some thoughtless boys. The Davis Coal and Coke Company had another stone cut and put in its place, as nearly similar to the original as possible.

the line between the first fountains of the two rivers—the Potomac and the Rappahannock. The journey to the source of the Potomac as determined by the previous surveyors, began on September 18th, and twenty-nine days later—October 17th, 1746, they placed the Fairfax Stone at the head fountain of the North Branch of the Potomac river.

✓ **6. George Washington a Surveyor in West Virginia.**—In March, 1747–8, Lord Fairfax employed George Washington, then in his seventeenth year, to survey and lay off into lots much of that part of his estate in West Virginia. The boy surveyor crossed the mountains and surveyed more than a hundred tracts of land, laying off the same in quantities to suit the purchasers. He kept a journal in which he made a record of daily transactions, and from it we learn that on Friday, March 25th, 1748, he swam his horse across the Potomac at the mouth of Patterson's creek, now in Mineral county, up which he proceeded to the house of Abram Johnston, where he spent the night, and the next day, visited the home of Samuel Hedges, who was one of the king's Justices of the Peace for Frederick county. Thus the leader of the armies of the Revolution and the first President of the United States surveyed the first farms in West Virginia.

**7. The "Ohio Company."**—Many cabin homes dotted the country along the upper waters of the Potomac, but no one had yet found a habitation west of the mountains. But now an effort was to be made to settle the region toward the Ohio river. In 1748, a corporation known as the "Ohio Company," was

formed. It was composed of John Hanbury, a merchant of London, Thomas Lee, Thomas Nelson, William Thornton, William Nimms, Daniel Cresap, Michael Cresap, Lawrence Washington, Augustus Washington, George Fairfax, Jacob Giles, Nathaniel Chapman and James Woodrop. The company in 1749, was granted 500,000 acres of land on the Ohio situated on both sides of the river, principally within the present counties of Jefferson and Columbiana, Ohio, and Brooke county, West Virginia.

**8. The Ohio Valley ; Claims of England and France to the Same.**—By the Ohio Valley is meant all that vast region drained by the Ohio river and its tributaries, and within it lay all of West Virginia except that part drained by the Potomac. England claimed all of the great Valley, and based her claim upon the discoveries of the Cabots on the Atlantic coast, which, she asserted, extended her possessions from sea to sea. Then, too, had not the English purchased a large part of the territory from the Indians at the treaty of Lancaster? France occupied all Canada, and rested her claim to the Ohio Valley upon the discoveries of La Salle, who, as we have seen, descended the Ohio river in 1669-70, and also upon that of Marquette, who was at the mouth of the Ohio in 1680. A common law of nations gave to the country discovering the mouth of a river all the country drained by it. Hence, France could not understand by what authority England granted lands on the Ohio river, or why that kingdom undertook to purchase the same from the Indians.

**9. French Expedition to the Ohio Valley.—**

France resolved to perfect her title to the Ohio Valley by formal possession, and determined to place along that river, a number of leaden plates bearing inscriptions asserting her claims to the lands on both sides of that stream, even to the source of its tributaries. The command of the expedition sent out to deposit these plates was given to Captain Bienville de Celoron. It consisted of eight subaltern officers, six cadets, an armorer, twenty soldiers, one hundred and eighty Canadians, fifty-five Indians, and Father Bonnecamps, who styled himself the “Jesuitte Mathematicien.”

**10. The Journey.—**The expedition left La Chine, near Montreal, Canada, on June 15th, 1749, and on July 29th reached the Allegheny river at the mouth of Conewango creek. Celoron was provided with at least six leaden plates, each of which was about eleven inches long, seven and a half inches wide, and a quarter of an inch in thickness. The first plate was buried on the south bank of the Allegheny river, opposite the mouth of the Conewango. Then the journey was continued, and on August 3d the second plate was buried near the mouth of French creek.

**11. The Voyage Down the Ohio.—**The voyage down the Ohio brought the little fleet to the mouth of Wheeling creek, now almost the center of the city of that name, and here, August 13th, the third plate was buried. Two days and nights passed, and the voyagers went on shore at the mouth of the Muskingum, the site of the present city of Marietta,

Ohio. Here the fourth plate was deposited. On the morning of August 18, a rain-storm drove the canoes



THE FRENCH EXPEDITION DESCENDING THE OHIO.

ashore at the mouth of the Great Kanawha, and here on that day the fifth plate was buried.\* The entry

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\*This plate was found in 1846, and removed from the spot in which it had lain for ninety-seven years. The following is the inscription which it bears:

“In the year 1749, reign of Louis XV., King of France, we, Celoron, commandant of a detachment sent by Monsieur the Mar-

made in Celoron's journal here, translated, reads as follows: "Buried at the foot of an elm, on the south bank of the Ohio and on the east bank of the Chiondaista, the 18th day of August, 1749."

**12. The Expedition Homeward Bound.**—Heavy rains detained the detachment at the mouth of the Great Kanawha for two days. Leaving there on August 20th, the voyage down the Ohio was continued. For several days their canoes floated on beneath the dark shades of the forest on the river's brink. On the 30th, the Great North Bend of the Ohio was passed, and they reached the mouth of the Great Miami, where, on the 31st, the sixth and last plate was buried. From here the homeward march was begun, and on November 10th they reached Montreal, having accomplished a journey of more than six hundred leagues.

**13. The Loyal and the Greenbrier Companies.**—The English disregarded the claims of the French, and the Virginia authorities continued to issue land grants to be located in the Ohio Valley. July 12th, 1749, the Governor and Council issued a grant to

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quis de la Galisoniere, Commandant General of New France, to re-establish tranquillity in some Indian villages in these cantons, have buried this plate at the mouth of the Chinodashichetha the 18th August, near the river Ohio, otherwise "Beautiful River," as a monument of renewal of possession which we have taken of the said river Ohio, and of all those which fall into it, and of all the lands on both sides as far as the sources of said rivers; the same as were enjoyed, or ought to have been enjoyed, by the preceding Kings of France, and that they have maintained it by their arms, and by treaties, especially by those of Ryswick, Utrecht, and Aix-la-cha-pelle."

John Lewis, Thomas Walker and others, under the corporate name of the "Loyal Company," for 800,000 acres of land, the boundary of which was to begin on the line between Virginia and North Carolina. October 29th, 1751, the "Greenbrier Company" was authorized to locate 100,000 acres on the waters of Greenbrier river.

**14. First Settlers on Greenbrier River.**—The first white men who reached the upper course of the Greenbrier river, were Jacob Marlin and Stephen Sewell, who, in the year 1749, came to the mouth of Knap's creek, now in Pocahontas county, and erected a cabin on the bank of Greenbrier river, on what has ever since been known as Marlin's Bottom. Here they were living in 1751, when John Lewis and his son Andrew came west as the surveyors of the Greenbrier Land Company. Sewell afterward moved fifty miles farther west, and fell a victim to savage barbarity. Both of these men have their names preserved in those of two lofty mountains of the State.

**15. First Explorers South of the New River.**—In the year 1750, Doctor Thomas Walker, of Virginia, with five companions, set out on a journey of exploration in the western wilderness, and, pressing onward, reached the Cumberland mountains, which they so named in honor of the Duke of Cumberland. Then they explored the region about the sources of the Green, Salt, and Kentucky rivers. Then, journeying northward, the explorers crossed the Big Sandy river and traversed the mountains in what is now the southern part of West Virginia, crossing the

upper courses of the Guyandotte and Twelve Pole rivers; and June 28th, 1750, the party reached New river, opposite the mouth of the Greenbrier. They



JUNCTION OF THE GREENBRIER AND NEW RIVERS.

crossed the former and continued up the latter on their return home. Thus, Dr. Thomas Walker, with five companions, two of whom were Ambrose Powell and Colby Chew, were the first white men in that part of

West Virginia south of the Great Kanawha, and the first who saw the mouth of Greenbrier river.

**16. Christopher Gist Explores the Hills and Valleys of West Virginia.**—Christopher Gist was a distinguished surveyor of North Carolina. In September, 1750, the Ohio Company, for £150 and other considerations, employed him to make explorations in the Ohio Valley. Gist began his journey in October, 1750, and returned in May, 1751, having descended the Ohio river to the falls, now Louisville, Kentucky, but he had only observed the lands north of the Ohio. November 4th, 1751, the Company sent him out again, this time to explore the lands between the Monongahela and Great Kanawha rivers. He traversed this entire region, being the first white man to explore that part of West Virginia between these rivers.

**17. The Ohio Company Petitions for a Second Grant.**—Gist made his report to the Company in October, 1752, and it hastened to petition the king to grant to it all the territory south of the Ohio river bounded as follows: "beginning at the mouth of the Kiskiminetas Creek—a tributary of the Allegheny in Pennsylvania—thence down the Ohio to the mouth of the Great Kanawha River; thence with that stream and New River to the mouth of Greenbrier River; thence a straight line along the mountains to the southeast spring on the Monongahela, and thence northward, until a line from the mountains reaches the place of beginning." In consideration of this grant the Company was to speedily erect two forts, one

at the mouth of Chartier's Creek on the Allegheny, and the other at the mouth of the Great Kanawha, and to settle three hundred families within the limits of its grant. War put an end to all this.

### 18. George Washington's First Public Service.—

Meanwhile the French were putting forth every effort to strengthen themselves in the valley of the Ohio,

and in 1753 advanced southward, building a cordon of forts extending from Lake Erie to the Ohio. To stay these movements, Governor Robert Dinwiddie, of Virginia, determined first to resort to diplomacy. Major George Washington, then but twenty-one years of age, was summoned to Williamsburg, at that time the capital of Virginia, and entrusted with the hazardous



GEORGE WASHINGTON

mission of carrying messages to the French authorities on the Upper Ohio. With several companions he began the journey over the mountains passing through what is now the eastern part of West Virginia. December 4th, 1753, he reached Venango, on the Allegheny River, and passed on to Fort Le Boeuf, where he delivered Dinwiddie's message to the French commander. That official stated that his orders were to hold possession of the Ohio Valley, and he would do so to the best of his ability. Washington's first

public service was ended and after a narrow escape from death from drowning when crossing the Alle-

gheny river he re-traced his steps over the mountains to the English border.



WASHINGTON AMID THE ICE OF THE ALLEGHENY.

19. First Attempt at a Settlement on the Upper Waters of the Monongahela.—The first effort to settle on the waters of the Monongahela was made by David Tygart and a man named

Files in the year 1754. Files settled on the creek still bearing his name, which empties into the Tygart's Valley river near Beverly, the present seat of justice of Randolph county. Tygart settled a few miles above Files, on the river, in the name of which his own is preserved. They found it difficult to procure provisions for their families and they determined to remove eastward, but before this could be done, the Indians attacked the family of Files and killed all except one boy who was some distance from home at the time of the attack. He fled and warned the Tygart family, all of whom were saved by flight. Thus ended in disaster the first effort to establish civilized homes on the waters of the Monongahela.

**20. The Oldest County in West Virginia.**—Hampshire is by twenty-five years the oldest county in West Virginia. It was formed by an act of the Virginia House of Burgesses in 1754, from Augusta and Frederick counties, but owing to continuous war, it was not organized until 1757. It was within the Fairfax Patent and derived its name from the following incident. Lord Fairfax happening to be at Winchester, one day observed a drove of fat hogs, and inquiring whence they came, he was told that they were from the South Branch of the Potomac. He then remarked that when a new country should be formed to the west of Frederick, it should be called for Hampshire county, England, so celebrated for its fine hogs.

## CHAPTER VI.

### THE FRENCH AND INDIAN WAR.

From 1754 to 1763.

#### **1. The Conflicting Claims to the Ohio Valley.—**

Both France and England continued to assert their claims to the Ohio Valley, in which was included nearly all of West Virginia. Neither occupied the land, yet both were determined to possess it. The courts of London and Versailles watched with jealous eyes the actions of each other, and it became evident that the final struggle for territorial supremacy in America was near at hand. "The country west of the Great Mountains is the center of the British dominions," wrote Lord Halifax, who with other courtiers was determined to possess it.

**2. The Beginning of the Struggle.—**Great Britain was ably seconded by the Virginia Colony, and a company of West Virginia pioneers was speedily collected in the Hampshire hills, who, under the command of Captain William Trent, crossed the mountains, and in January, 1754, began the erection of a fort at the forks of the Ohio—now Pittsburg. This work was prosecuted until April 16th, when a large force of French and Indians from Canada, having descended the Allegheny river, appeared on the

scene. Contrecoeur, the French commander, sent a summons to surrender. Resistance was vain. Captain Trent had returned to the East, leaving Ensign Ward in command; he surrendered the unfinished structure and marched up the Monongahela. The French completed the work and bestowed upon it the name of Fort Duquesne, in honor of Marquis de Duquesne, who had become Governor-General of Canada in 1752.

**3. Erection and Surrender of Fort Necessity.**—Meantime, Virginia was mustering a force for service on the Ohio. Lieutenant-Colonel Washington with two companies reached Will's Creek—now Cumberland City, Maryland—where he learned of the surrender of Ensign Ward at the forks of the Ohio. Without awaiting the arrival of an additional force, Washington pushed into the wilderness, and on May 9th was at a crossing of the Youghiogheny river. From here he proceeded to the Great Meadows where, hearing that the French and Indians were advancing against him, he halted and built Fort Necessity. May 28th, the Virginians by a forced march, surprised and captured the French advance, but the main body came on and attacked the fort which Washington surrendered July 4th, 1754, and in great discomfiture began the march back to Will's Creek.

**4. England's Preparation for War.**—The year, 1754, closed with the French in complete possession of the Ohio Valley; but a war had begun which was to change the geography of a continent. Both



GENERAL EDWARD BRADDOCK.\*

nations speedily mustered veteran regiments fresh from the battle-fields of the Old World, to do service in the New. The Duke of Cumberland selected General Edward Braddock to command the British troops destined for American service, and from London, Braddock went to Cork to hasten preparation for the embarkation of the army. The delay was irksome and the commander sailed in the

ship "Norwich," accompanied by the "Centurion" and "Syren," on December 14th, 1754.

**5. The Army on the Ocean.**—At length, all things were in readiness, and January 14th, 1755, the fleet, with the 44th and 48th Royal Infantry Regiments on

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\*General Edward Braddock was a son of Edward Braddock, a Major-General in the English army, and was born about the year 1695. He entered the army as an Ensign in the Cold Stream Guards, on the 11th day of October, 1710, and rose rapidly in the scale of promotion because of bravery and gallantry displayed on bloody fields, his superior officer being the Duke of Cumberland. That officer chose Braddock to command all the British troops to be sent to Virginia because his "courage and military discipline had recommended him as of ability for so great a trust." For nearly fifty years he had been connected with the Cold Stream Guards, and was a true soldier, but he knew nothing of the arts of war as practiced by the Indians of North America. The world knows the story of his march and of the fatal field of Monongahela.

board, left the harbor of Cork. It consisted of the following named vessels, the "Anna," "Halifax," "Osgood," "London," "Industry," "Isabel and Mary," "Terribel," "Fame," "Concord," "Prince Frederick," "Fishburn," "Molly," and the "Severn." This fleet was under convoy of the "Seahorse" and "Nightingale," two of the most powerful ships of the British navy. On February 20th, the "Norwich" with General Braddock on board, reached the coast of Virginia. The "Osgood" and "Fishburn" arrived on March 2d, and within the two succeeding weeks the entire fleet lay at Alexandria on the Potomac, nine miles below the present site of Washington City. Thus was a British army first landed in the New World.

✓ **6. The Army in America.**—On April 14th, General Braddock met a number of the Colonial governors in a council of war at Annapolis, Maryland, and a general plan for the prosecution of the war was adopted. A part of this plan was the movement of General Braddock against Fort Duquesne. In compliance with this decision, the army left Alexandria, April 20th, and six days later it arrived at Fredericktown, Maryland, where it was joined by George Washington, who was made an aid-de-camp to the general.

**7. The King's Army on the Soil of West Virginia.**—On April 30th, the army left Fredericktown, and crossing the Potomac below Shepherdstown, began the march over the soil of West Virginia. Cabin homes dotted the landscape of what is now Jefferson County, and to the inhabitants the army was an

object of the greatest interest. Slowly the splendid pageant moved on; long lines of soldiers in scarlet uniform contrasting strangely with the verdure of the forest, filed along the narrow paths, while strains of



THE KING'S ARMY IN WEST VIRGINIA.

martial music filled the air. The route by Winchester was taken for the reason that at that time no road had been constructed up the Potomac river. After a brief rest at that place, the army moved in a north-

west direction through the present counties of Berkeley and Morgan, and reached Little Cacapon Creek about six miles above its mouth, in what is now Hampshire County. Descending this stream to its junction with the Potomac, the army encamped for the night, and the next day, it crossed the latter river into Maryland, having spent five days in marching through the eastern part of West Virginia.

**8. Arrival of the Army at Fort Cumberland.**—Leaving the “Ferry Fields” where the army crossed the Potomac, the march continued along the north side of the North Branch of that river, General Braddock proceeding in a chariot which he had purchased of Governor Sharpe, of Maryland. The army arrived at Fort Cumberland on the 10th day of May. This structure, named in honor of the Duke of Cumberland, was erected in 1754-55, by Colonel Innes of South Carolina, commanding an independent company from his own Colony, and two similar organizations from the Colony of New York. Here, on the present site of Cumberland City, Maryland, Braddock’s army went into camp.

**9. The March into the Wilderness.**—By May 19th, the entire force destined for the expedition, was collected at Fort Cumberland, and consisted of the 44th and 48th regiments, each numbering 700 men; 30 sailors; 1,209 Colonial troops; 150 Indians and a train of artillery. There were 150 wagons and 2,000 horses. The 44th regiment was commanded by Sir Peter Halkett, and the 48th by Colonel Thomas Dunbar. Patrick McKellar was the chief military engineer of the

expedition, and Sir John St. Clair quartermaster-general. On June 7th, the first division, under Sir Peter Halkett, left Fort Cumberland and on the 8th, the entire force took up the line of march, the objective point being Fort Duquesne.

**10. The Army in the Monongahela Valley.**—Lofty mountains towered on every hand and so great were the difficulties of the march, that after ten days the army was only thirty miles west of Fort Cumberland. Braddock seemed to think that his engineers should bridge every little stream and cut away every bluff that obstructed the way. Washington, greatly discouraged, succeeded in securing a change. The army was divided. The general advanced with 1,200 chosen men, and Sir Peter Halkett as brigadier, Lieutenant-Colonel Gage—afterward General Gage of the Revolution—Lieutenant-Colonel Burton and Major Sparks, leaving Colonel Dunbar with the remainder of the troops and the artillery and baggage, to follow on as rapidly as possible. It was the evening of July 8th when the English columns, for the second time, reached the Monongahela river at a point ten miles distant from Fort Duquesne.

**11. The News at Fort Duquesne.**—From the time the army left Fort Cumberland, scouts hung upon its front and rear and carried news of its advance to Fort Duquesne, where all was alarm and excitement. Contre-cœur, the French commander, prepared to evacuate the fort; but Beaujeau, the second in command, proposed to go out and fight the English in the woods. A thousand savage warriors lounged around the walls

of Fort Duquesne. To these Beaujeau appealed Chiefs gathered their warriors, who, to the number of 600, accompanied by 250 French and Canadians fully armed, left the fort and marched away beneath the midsummer shades of the Monongahela Valley.

**12. The Slaughter of Braddock's Army.**—It was July 9th, 1755, and at the same time that the French and Indians left the fort, Braddock's army was crossing the river. Once across, the order to march was given, but scarcely were the columns in motion when Gordon, one of the engineers, saw the French and Indians bounding through the forests, and at once, a deadly fire was poured in upon the English columns. The Grenadiers returned it and Beaujeau fell dead, but Dumas, the second in command, rallied his forest warriors and for three dreadful hours, a storm of leaden hail was poured upon the beleaguered army. At the end of this time, of the 1,200 men who crossed the Monongahela, 67 officers and 714 privates were killed or wounded.

**13. The Retreat of the Shattered Army.**—General Braddock was mortally wounded, and Washington, collecting the remnant of the Virginians, covered the retreat of the shattered army. On the fourth day General Braddock died and was buried in the road near Fort Necessity. When Colonel Dunbar received the news, his troops were seized with a panic. Disorder and confusion reigned, and the retreat degenerated into a rout, which continued until the straggling companies reached Fort Cumberland. From there Colonel Dunbar marched the regulars by way of

Winchester, to Philadelphia, and Washington with the surviving Virginians, marched across what is now the eastern part of West Virginia, to Winchester. Thus ended in failure the campaign of 1755.

**14. West Virginia Settlements After Braddock's Defeat.**—The Indians, instigated by the French, now waged a relentless warfare against the Virginia frontier, and many West Virginia pioneers fell victims to savage butchery, whilst almost the entire population was forced to remain closely confined in places of safety. Of these, Fort Pleasant stood on the bank of the South Branch of the Potomac, one and a half miles above what is known as The Trough, now in Hardy county; Edwards' Fort was located on the west side of Cacapon river, in Hampshire county, within a mile of where the road leading from Winchester to Romney, crosses that stream; Furman's Fort was in Hampshire county, on the South Branch, between the present site of Romney and Hanging Rocks, while Williams' Fort was situated about four miles farther down the river; Fort Evans stood a short distance south of the present site of Martinsburg; Ashby's Fort was on Patterson's Creek, in what is now Mineral county, as was also Cox's Fort, the latter being distant twenty-five miles from Fort Cumberland.

**15. French and Indians Attack Edwards' Fort.**—On April 18th, 1756, a large body of French and Indians, having traversed the entire extent of West Virginia, appeared before Edwards' Fort in Hampshire county. Captain John Mercer with forty men marched out to attack them, and when a short

distance from the fort, came upon the enemy in ambush. A destructive fusillade was poured in upon the Virginians, sixteen of whom fell at the first fire. The slaughter continued until but six of the forty who left the fort, returned to it. Colonel George Washington, with a small force, was at Winchester, twenty miles away. He wrote Lord Fairfax, commandant of the Hampshire county militia, the day of the attack, and urged him to raise a force at once to relieve Edwards' Fort, and gave it as his opinion that unless ammunition was supplied to the beleaguered garrison that night, all would be slaughtered.

**16. The Declaration of War.**—Notwithstanding the existence of hostilities for more than two years, a formal declaration of war was not made by England



ROBERT DINWIDDIE.\*

until 1756. On August 7th of that year, Governor Dinwiddie made formal proclamation thereof and copies of the same were sent to the troops on the frontier, a number of whom were stationed at Edwards' Fort and other points in West Virginia. The Governor's order required the commander to

have his troops drawn up in line when the Declara-

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\*Robert Dinwiddie, a prominent character in American history, because he was the chief executive officer of Virginia during the French and Indian war, was a Scotsman, and was born in 1693. He was appointed a collector of customs in the Island of Bermuda in 1727, and eleven years later, received the appointment of Sur-

tion of War should be read at the head of the column. Volleys of small arms were then fired for the health of his majesty and a successful war. Thus was proclaimed among the West Virginia hills a declaration of war by the English Parliament against a sister kingdom in Europe.

✓ **17. The Big Sandy River Expedition.**—In 1755 an expedition commanded by Major Andrew Lewis was undertaken from Virginia against the Shawnee towns at the mouth of the Scioto river and near that of the Great Kanawha; that nation then being in alliance with the French. The proposed line of march was by way of the valley of the Big Sandy river. The troops—235 Virginians and 130 Cherokee warriors—rendezvoused at Fort Frederick, on New river, early in February, 1756.

**18. Westward March of the Expedition.**—February 19th, the army began the mid-winter march to the Ohio river, two hundred miles away. The route lay through the present Virginia counties of Pulaski, Wythe, and Tazewell, by way of Bear Garden, on the North Fork of Holston river; Burk's Garden, now fifteen miles northeast of Tazewell Court-house; and thence across the upper

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veyor-General of Customs, of the Southern Ports of the Continent of America. He was commissioned a Lieutenant-Governor of Virginia, July 20th, 1751, and with his wife and two daughters, Elizabeth and Rebecca, he arrived in the Colony November 20th following. The period of his accession as executive of the Colony was one of momentous presage in its history, for events speedily took place which changed the history and geography of a Continent. After more than seven years of faithful service, he was succeeded by Francis Fauquier, and returned to England, where he died July 27th, 1770.

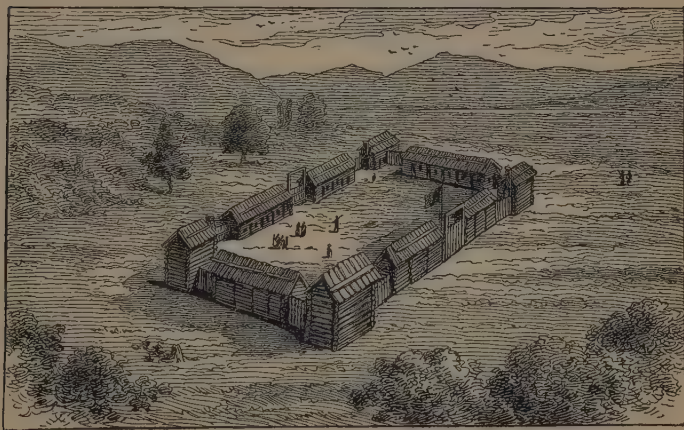
tributaries of Clinch river, through one of the most beautiful and romantic regions of the Appalachian System.

**19. The Army in the Valley of Tug River.**—On the 26th, the army passed through a gap in Big Stone Ridge, and reached the source of Horse-Pen creek, the upper tributary of the Dry Fork of Tug river, and encamped in what is now Big Creek Magisterial District, McDowell county, where it spent its first night on the soil of West Virginia. Thence the march was down the Dry Fork to its confluence with the North Fork of Tug river, the principal tributary of the Big Sandy. The encampment here was on the site of the present Iaeger Station, on the Norfolk and Western Railroad.

**20. Failure of the Campaign: The Army Disbanded.**—Now there was great suffering. The supply of provisions was almost exhausted; the pack-horses were worn out; there were no tents, and the rain descended in torrents. It was a pitiable condition indeed, and the only hope now was to transport the ammunition and remaining equipment by water. Major Lewis set the axemen to making canoes, while several companies marched down the river about fifteen miles and encamped near the present Wharncliffe. Between these two encampments were the rapids of Tug river, long known as the "Roughs of Tug," the greatest *tugging place* on that river. Here the canoes were overturned, the ammunition and some of the arms lost. In addition, the men were starving, so that, after a few young men had proceeded as far as the present town of Devon, Mingo county,—the farthest western point reached,—

the object of the expedition was abandoned; the army practically disbanded; and the men returned to their homes, after a march of sixty-one miles over the soil of West Virginia.

**21. Massacre at Fort Seybert.**—Fort Seybert was a frontier post which stood twelve miles northeast of Franklin, the present seat of justice of Pendleton county. Like other structures of its kind, it was a place of refuge for the settlers when threatened by a



**FORT SEYBERT.**

savage foe. In May, 1758, when between thirty and forty persons were within the enclosure, it was attacked by a body of Shawnees. Finding neither threats nor bullets of any avail, the cunning savages resorted to strategy, and that, too, with most fatal success. They declared to the inmates that if they surrendered the fort their lives should be spared; but if not

the siege would be continued until every one within should perish. This promise of safety lured the unfortunate victims and they yielded quiet possession of the fort. Perfidious wretches! What cared they for promises? Of the number who surrendered, all except eleven, were at once put to death.

22. **The French Driven from the Ohio.**—Virginia was actively engaged in defending her frontier, and the war was vigorously prosecuted to the northward. In 1758, another expedition against Fort Duquesne was planned. General John Forbes was in command and his force was collected at Raystown, now Bedford, Pennsylvania. Washington joined him with 1,600 Virginians, a large number of whom were West Virginia pioneers. In the march Washington asked that the advance be given to the Virginians and it was done. The French abandoned the fort and when the English army arrived, it was a mass of smouldering ruins, but it was speedily rebuilt and named Fort Pitt.

23. **The French Power Broken.**—French Supremacy ceased in the Valley of the Ohio. The following year, Niagara, Crown Point and Quebec surrendered to the English. The treaty of Fontainebleau, in November 1762, put an end to the war. The dominion and power of France ceased on this continent, and no traces of her lost sovereignty exist, save in a few names she has left on the prominent rivers and land-marks, and in the leaden plates, which inscribed in her language and asserting her claims, still lie buried on the banks of the Ohio.

**24. Pontiac's Conspiracy.**—The French army was gone, but the Indians continued the war on the border for more than a year. Pontiac, chief of the Ottawas, formed a conspiracy, which, if it had been carried out in detail, would have driven the English from every frontier post. The first settlement was made in the Greenbrier Valley in 1761, when Archibald Clendenin, Frederick See, Fetty Yolcom and others, established themselves in what is now Greenbrier county. Here they were attacked by the Indians in 1763 and the settlement entirely destroyed. The wife of Archibald Clendenin was taken prisoner but afterward escaped and returned to civilization.

**25. Romney and Shepherdstown: The Oldest Towns in the State.**—Romney, the seat of justice of Hampshire county was laid out by Lord Fairfax, in November, 1762, on his lands, where 100 lots of half an acre each had been surveyed previously. It was so called from Romney, one of the Cinque Ports on the English Channel. Shepherdstown, then called Mecklenburg, was laid out a town in the same month and year, on forty acres of land, the property of Thomas Shepherd, in honor of whom the name of the town was afterward changed to Shepherdstown. In 1762, an Agricultural and Mechanical Fair—the first on the soil of West Virginia—was authorized by the General Assembly to be held annually, twice a year—in June and October—at Mecklenburg, “for the sale and vending of cattle, victuals, provisions, goods, wares and merchandise.”

## CHAPTER VII.

### AN ERA OF PEACE; PIONEER SETTLEMENTS.

From 1763 to 1773.

**1. Expedition of General Henry Boquet.**—The war which had raged furiously for years was now drawing to a close. During its continuance more than a thousand families on the Virginia frontier—now mainly West Virginia—and of Pennsylvania, had been murdered and driven from their homes. General Boquet left Philadelphia with a force of 500 men, and after defeating the Indians at Bushy Run, Pennsylvania, reached Fort Pitt in 1764. With his force increased to 1,500 men, among whom were many West Virginia pioneers, he marched into the Ohio wilderness, and, at the forks of the Muskingum, he concluded a treaty with the Indians, who delivered 206 captives, 90 of whom had been carried away from what is now West Virginia.

**2. Peace on the Border.**—Boquet's army returned to Fort Pitt and peace was established. The ten years through which it continued has been called "the halcyon decade of the eighteenth century." By the terms of the treaty at Lancaster, Pennsylvania, which was afterward ratified by the British ministry, it was declared that "the country to the west of the Alleghanies is allowed to the Indians for their hunting

grounds." In compliance with this, the King of England, on October 7th, 1763, issued a proclamation forbidding all persons to hunt or settle to the westward of the Alleghanies, and Boquet, on his return to Fort Pitt, proclaimed a like order. But the tide of immigration flowed westward, and neither royal proclamation nor military orders could stop it.

### 3. Settlement and Fate of the Echarly Brothers.

—Even while the war continued, daring men were seeking homes in West Virginia. In 1756, Dr. Thomas Echarly and two brothers, Germans from Pennsylvania, came to the valley of the Monongahela, and after extended exploration, reared their cabins on Dunkard bottom on Cheat river, now in Preston county, a few miles south of Kingwood. Here they resided for two or three years, when Dr. Echarly left the brothers in the wilderness home, and journeyed to the East to obtain a supply of ammunition and salt. This was obtained in the lower part of the Shenandoah Valley, and on his return he stopped at Fort Pleasant on the South Branch, where the story of his residence on Cheat river was not believed. He was thought to be a spy in the service of the French, and a guard was sent with him into the wilderness. When the cabin was reached the brothers were found murdered and scalped. The savages had committed the deed. Thus ended in disaster the first attempt to settle the valley of Cheat river.

### 4. The Deckers Attempt a Settlement on Monongahela River.

—The first attempt at a settlement on the Monongahela was made in 1758. In that year

Thomas Decker and others began a settlement at the mouth of Decker's Creek which empties into the Monongahela near the present site of Morgantown. Here the winter was spent, but the next year a band of Delaware and Mingo warriors attacked the settlement and put nearly all the inhabitants to death.

**5. Adventurers from Fort Pitt in the West Virginia Wilderness.**—In the year 1761, William Childers, John Lindsey, John Pringle and Samuel Pringle left Fort Pitt, and, ascending the Monongahela river, passed over to the Youghiogheny, where they spent the winter. The next spring the Pringle brothers, having separated from the others, journeyed eastward until they reached the Looney Creek settlement, now in Grant county, and then the most western outpost of civilization. Again entering the wilderness, they made their homes in the glades of what is now Preston county until 1764, when they were employed as hunters by John Simpson, a trapper from the South Branch of the Potomac. At the Horseshoe Bend of Cheat river, a dispute arose and a separation took place.

**6. The First Cabin Where Clarksburg Now Stands.**—Simpson passed over the mountains and crossed Tygart's Valley river at the mouth of Pleasant Creek, now in Taylor county, and then journeyed over to another stream, to which he gave the name of Simpson's creek. Farther on he came upon another stream, a tributary of the West Fork of the Monongahela, on which he bestowed the name of Elk Creek, and at the mouth of which he reared his cabin and here

continued to reside, until permanent settlements began to be made around him. Simpson's cabin was the first home of civilized man on the present site of Clarksburg.

7. **The Pringles on Buckhannon River.**—The Pringles also reached Tygart's Valley river up which they proceeded to the mouth of the Buckhannon river,



ABODE OF THE PRINGLE BROTHERS.

and thence up that stream until they came to the mouth of Turkey Run, three miles below the present town of Buckhannon, in Upshur county. Here they halted and took up their abode in the cavity of a large sycamore tree. They continued their solitary residence at this place until 1767, when John left his brother and made a journey to the South Branch for ammunition,

and when he returned he brought news of the close of the French and Indian War nearly five years before. Both now went to the South Branch and brought a number of settlers to the valley of Buckhannon river.

**8. The First English Expedition Descends the Ohio.**—Early in 1765, the first English expedition descended the Ohio river. It was commanded by Colonel George Crogan, of Pennsylvania, and was sent out for the purpose of exploring the country adjacent to the Ohio river, and of conciliating the Indian nations which had hitherto taken part with the French. On the 15th day of May, 1765, the expedition left Fort Pitt with two batteaux. On the 17th they passed the present site of Wheeling, and on the 22d they were at the mouth of the Great Kanawha. The voyage continued to the Falls of the Ohio, and Crogan, having accomplished the object of his mission, returned by way of the Great Lakes to Niagara.

**9. A Definite Boundary Line between the Indians and Virginia.**—A definite boundary line was now sought by both the Indians and the Virginians. Governor John Blair, in his message to the House of Burgesses of Virginia, May 31st, 1768, said: "A set of men regardless of the laws of natural justice, \* \* \* and in contempt of royal proclamation, have dared to settle themselves upon the lands near Cheat river, which are the property of the Indians." The same year the Six Nations, in an address to Colonel Crogan, said of these lands, "It is time enough to settle them when you have purchased them and the country becomes yours."

**10. Treaty of Fort Stanwix.**—A request went over-sea, and the British government ordered Sir William Johnson, its Superintendent of Indian Affairs, to at once complete the purchase of the lands from the Alleghanies to the Ohio river. Upon receipt of these instructions, Colonel Johnson gave notice of a Congress to be held at Fort Stanwix, now Rome, New York. The Governments of Virginia, Pennsylvania, and New Jersey, and also the Six Nations, were requested to send representatives. This was done, and the delegates assembled on October 24th, 1768, Sir William Johnson presiding.

**11. All West Virginia Ceded to the King of England.**—The right and title of the Indians to the territory in question was maintained with all the eloquence of forest orators. The Colonial Commissioners admitted the same, and tendered a sum of money and goods aggregating in value the sum of ten thousand four hundred and sixty pounds, seven shillings and three pence in payment therefor. The offer was accepted and the deed of cession signed and delivered. The territory thus ceded, of which West Virginia was a part, was bounded on the west by a line beginning at the mouth of the Tennessee river and running thence with the south bank of the Ohio river to Kittanning, above Fort Pitt.

**12. The Original Indiana Territory.**—A reservation was made by the Indians at the above treaty to satisfy a claim of an association of Philadelphia merchants for goods, which the Indians had destroyed on the Ohio in 1763. At Fort Stanwix, they executed a

deed in settlement of this claim for all the lands bounded by a line beginning at the mouth of the Little Kanawha river and running thence to Laurel Hill, and thence with said Laurel Hill to the Monongahela river, and thence to the southern boundary line of Pennsylvania, thence due north to the Ohio river, and thence with that river to the place of beginning. This land, afterwards known as the Indiana Territory, was the cause of much litigation. A suit was brought against Virginia which finally resulted in the adoption of the Eleventh Amendment to the Constitution of the United States.

**13. Homes Established in the Wilderness.**—The cession of what is now West Virginia to the English by the treaty of Fort Stanwix, led to a renewed effort to settle the wilderness west of the mountains. In 1768 Zackwell Morgan and others settled on the Monongahela where Morgantown now stands. In 1769 a number of families again settled in Greenbrier, the distinguished Colonel John Stewart, then a youth of but nineteen years, coming with them. The same year James Clark and John Judy found homes on Big Sandy Creek, now in Preston county, and John Wetzel and the Siverts and Calverts reared their cabins on the highlands in what is now Sand Hill District, Marshall county. The Virginia land office records show how rapidly these West Virginia lands were being appropriated at this time. Twelve settlement rights were issued in 1769, and forty-nine, each for 400 acres, in 1770, on the waters of the Monongahela alone.

**14. The Mississippi Company.**—In 1768, a great corporation made an effort to secure a grant of land in which all of West Virginia west of the mountains was included. In December of the above named year, Arthur Lee, late Commissioner to the Court of France from the United Colonies, presented a petition to the King of England on behalf of himself and forty-nine others, asking that a grant be made to them for 2,500,000 acres of land, to be located between the thirty-eighth and forty-seventh degrees of north latitude, the Alleghany mountains on the east and the Ohio river on the west. This petition, which is still preserved in England, was referred to the Board of Trade, which body appears never to have made a report thereon.

**15. George Washington Surveys Lands on the Ohio.**—Under the provisions of Governor Dinwiddie's Proclamation of 1754, Virginians serving in the French and Indian War were entitled to patents for western lands. Colonel Washington and his men were among these, and in 1770, he made a journey to the Ohio for the purpose of locating some of the lands. He left Mount Vernon on the 5th of October and spent the night of the 9th at Romney, Hampshire county. Reaching Pittsburg on the 17th, he, with several others, began the descent of the Ohio river on the 20th. On the last day of October, the party encamped on the site of the present town of Point Pleasant, now in Mason county, and the next day proceeded up the Great Kanawha, for the purpose of examining the lands along that river. A month

was spent in surveying and in that time more than one hundred thousand acres were surveyed in the valley of the Great Kanawha and on the south bank of the Ohio. When the work was completed all returned home, Washington reaching Mount Vernon on the first day of December.

**16. Western Settlement Continued.** — In the spring of 1770, Ebenezer Zane and his two brothers, Jonathan and Silas, planted the first corn grown where the city of Wheeling now stands; Joseph Tomlinson reared his cabin on the Grave Creek Flats near the present site of Moundsville, in Marshall county; and a daring frontiersman of the name of Tygart, found a home at the mouth of Middle Island creek now in Pleasants county. In 1772, James Booth and John Thomas became the first settlers within the present limits of Marion county, they having established themselves at Booth's creek in that year. In 1773, James and Thomas Parsons came from the South Branch Valley, near where Moorefield, in Hardy county, now stands, and settled at the Horseshoe Bend, now in Tucker county, and the same year, if not earlier, Leonard Morris became the first permanent settler in the Great Kanawha Valley, rearing his cabin near the present site of Brownstown, in Kanawha county.

**17. The Church of England in West Virginia.** — The Church of England was the established Church of Virginia before the Revolutionary War, the Colony being divided into parishes, usually, though not always, identical with the counties in which they

were situated. In 1738, Frederick county was formed from Augusta, and Frederick Parish—like the county of the same name—embraced all of what is now



RUINS OF OLD TRINITY CHURCH, NORBORNE PARISH.  
NEAR CHARLESTOWN, JEFFERSON COUNTY.

Jefferson, Berkeley and Hampshire counties in West Virginia. In 1769, Norborne Parish was formed from that of Frederick, within which Morgan Morgan had established the first Church in West Virginia at what is now the little town of Bunker Hill, in Berkeley county. Soon after, other churches were established at Shepherdstown and Charlestown in what is now Jefferson county. Hampshire Parish was formed in 1753, and Hardy Parish taken from it in 1785. Thus it is seen that the established Church of England and Virginia, was organized in West Virginia many years before the war for Independence. But there was toleration, and various denominations had reared churches and gathered congregations in these parishes long before the Revolution.

**18. The Proposed Province of Vandalia.**— As early as 1756, Governor Dinwiddie urged upon the English Government the necessity of founding a new province with an independent government in the Ohio Valley. And in the years following, many statesmen, among them Lord Halifax, strongly supported the plan. The efforts of the Mississippi Company as well as those of the Ohio Company had failed, but in 1773, another effort was made. A petition signed by many eminent Virginians, went over-sea praying for the formation of a separate government for a province to be known as "VANDALIA," of which George Mercer was to be Governor and the seat of government was to be located at the mouth of the Great Kanawha river. But the renewal of the Indian wars, together with the Revolution, put an end to all these plans. Had it not been so, it is probable that there would have been an independent government in West Virginia nearly a century before it came.

## CHAPTER VIII.

### LORD DUNMORE'S WAR—THE BATTLE OF POINT PLEASANT.

From 1773 to 1775.

**1. The Era of Peace Ended.**—The treaty which had remained unbroken since 1764, was now to be violated on the part of the English. In 1774, several Indians were killed on the South Branch of the Potomac, and Bald Eagle, a chieftain known along the whole frontier, was murdered while descending the river in his canoe. A German family by the name of Stroud had settled on Gauley river, and, in the absence of the husband, the wife and children were murdered by the Indians. At this time a chief known as Captain Bull, together with a few other Indians, resided at what is now known as Bulltown in Braxton county. They were believed by many to be friendly to the whites, but the trail of those who wrought ruin at the Stroud home, led toward Bulltown, and suspicion fell on its inhabitants. Five men followed the trail and it afterward appeared that they murdered every inhabitant at Bulltown and threw their bodies into the Little Kanawha river.

**2. Murder of Logan's Family.**—On the 16th of April, 1774, a large canoe filled with white men from Pittsburg, was attacked by Indians near Wheel-

ing, and one of the men in it killed. The people living in the vicinity now assembled at Wheeling Creek and issued a declaration of war. Logan was a distinguished chieftain of the Mingo tribe, which had its home on what is now called Mingo Bottom, near the present site of Steubenville, Ohio. On the 30th of April, 1774, a body of twenty or thirty men from Wheeling ascended the Ohio to the mouth of Yellow Creek, where, on the West Virginia side, under circumstances of great perfidy, they murdered ten Indians, among whom was the family of Logan. This exasperated the Indians to such an extent that war was inevitable, and the storm burst with all its fury on the Virginia frontier. Bands of savages scoured the present State of West Virginia, laying waste the settlements. Men, women and children fell victims to savage fury. Infants' brains were dashed out against trees and bodies were left to decay in the summer sun or to become food for wild beasts and birds of prey. It was a reign of terror along the whole western border.

**3. Expedition of Colonel Angus McDonald.**—Tidings of war were carried to Williamsburg, then the capital of Virginia, and Governor Dunmore ordered Colonel Angus McDonald to collect the settlers on the Upper Potomac river and in the vicinity of Wheeling and to organize a force sufficient to stay the tide of blood until a larger army could be collected in the Shenandoah Valley and east of the Blue Ridge. Colonel McDonald obeyed the summons and hastened to Wheeling, where he established his headquarters. Captain Michael Cresap, of Maryland,

entered the Virginia service and with a small force joined McDonald, the ranking officer of the expedition. In June, four hundred men began the invasion of the Indian country. The troops descended the Ohio to the mouth of Captina creek, where the march into the wilderness began. Far in the interior of what is now the State of Ohio, the Indian towns were burned and the cornfields laid waste. Then the expedition returned to Wheeling, having three captive chiefs. But the war on the frontier continued.

✓ **4. Governor Dunmore Hastens to Collect an**



LORD DUNMORE.\*

**Army.**—To meet the general uprising of the united tribes north of the Ohio, Virginia made ready for war and the din of preparation resounded along her borders. Lord Dunmore left Williamsburg, and passing over the Blue Ridge, assisted in mustering an army. A force of two thousand three hundred veteran troops was collected in two divisions called the northern and south-

ern wings, to march by different routes, but to be reunited on the banks of the Ohio.

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\*John Murray, fourth Earl of Dunmore, and the last royal Governor of Virginia, was born in 1732. He was appointed Governor of New York in January, 1770, and of Virginia in July, 1771, and arrived in the latter Colony in 1772. In the summer of the ensuing year, he visited the frontiers of the Colony and spent some time at Pittsburg. Indian hostilities were renewed in 1774,

**5. The Southern Wing of the Army.**—The southern division numbering eleven hundred men, under the command of General Andrew Lewis, was divided into two regiments, commanded by Colonel William Fleming, of Botetourt county, and Colonel Charles Lewis, of Augusta county. The troops gathered at Camp Union, afterward Fort Savannah, and now Lewisburg, the seat of justice of Greenbrier county. The last to arrive were two companies, one from Bedford and a second from Washington county, the latter under the command of Captain Evan Shelby, afterward a governor of Kentucky.

**6. Westward March of the Southern Division.**—On the 6th of September, 1774, Colonel Charles Lewis left camp at the head of six hundred Augusta county troops, who were to proceed to the mouth of Elk river and on the land on which Charleston, the capital of West Virginia, now stands, construct canoes in which to transport the army supplies to the mouth of the Great Kanawha river. Major Thomas Posey, the Commissary-General, and Jacob Warwick, the butcher, had charge of the supplies and had with them four hundred pack-horses, one hundred and eight head of beef cattle and fifty-four thousand pounds of flour ground on mills in the Shenandoah Valley. On the 12th of September, General Lewis left Captain

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and that year is famous as that of "Dunmore's War." He was the only royal Governor that ever led a military expedition into the Ohio Valley. Dunmore was loyal to the British cause and was driven from Virginia in 1775 by the Revolutionary patriots. He escaped in a British man-of-war. In 1786 he was appointed Governor of Bermuda, and died at Ramsgate, England, in May, 1809.

Anthony Bledsoe with the sick at Camp Union, and with the remainder of the army numbering five hundred and fifty men, struck the tents and took up the line of march through the wilderness. The advance was overtaken at the mouth of Elk river, now Charleston, and here those who had fallen sick were left in care of Captain Slaughter, and the army thus reunited proceeded down the north side of the Great Kanawha to its junction with the Ohio, where it arrived on the 6th of October.

**7. The Northern Wing of the Army.**—The northern wing, commanded by Governor Dunmore in person, and numbering twelve hundred men, was collected chiefly from the counties of Frederick, Berkeley, Hampshire and in what is now Jefferson. Three of the companies had served with McDonald and on their return enlisted in Dunmore's army. The westward march began by way of Potomac Gap, and on reaching the Monongahela river, the force was divided, Colonel William Crawford with five hundred men, proceeding overland with the cattle, while Governor Dunmore with seven hundred men descended the river by way of Fort Pitt. Both columns reached Wheeling—then Fort Fincastle—on the 30th of September. The combined forces at once descended the Ohio to the mouth of Hockhocking river, where they halted and built Fort Gower, the first structure of its kind reared by Englishmen in Ohio.

**8. General Lewis' Army at the Mouth of the Great Kanawha.**—The spot on which the army encamped at the junction of the Great Kanawha and

Ohio, was the triangular point between the two rivers. The site was one of awe-inspiring grandeur. Here were seen hills, valleys, plains and promontories, all covered with gigantic forests, the growth of centuries, standing in their native majesty, unsubdued by the hand of man. There were no marks of industry nor of the exercise of those arts which minister to the comfort and convenience of man. Here Nature had for ages held undisputed sway in a land inhabited only by the enemies of civilization. To this spot the Virginians gave the name of Camp Point Pleasant, from which that of the town has been derived. Thus the first week in October, the two wings of the army lay upon the Ohio, but separated by a distance of more than sixty miles.

**9. The Battle of Point Pleasant.**—When General Lewis reached the mouth of the Great Kanawha, he was very much disappointed at not meeting Governor Dunmore. But messengers arrived with dispatches which gave information of the movements of that official and contained an order for the southern wing of the army to meet the northern wing at the Shawnee towns on the Sciota, far out in the Ohio wilderness. But Lewis' men were much fatigued with a march of one hundred and sixty miles; pens had to be built for the cattle and the commander replied to the Governor's message, informing him of these facts, but stated that he would join him as soon as all of the food supply and powder should reach Point Pleasant. This was on the 8th of October and on the 9th—Sunday—the Chaplain preached the first

sermon ever delivered at the mouth of the Great Kanawha river.

10.—**The Battle Day.**—Early on the morning of the 10th of October, two soldiers, Robertson and Hickman, went up the Ohio in quest of deer, and, when about three miles from camp, near the mouth of Oldtown creek they discovered a large body of Indians just arising from their encampment. The



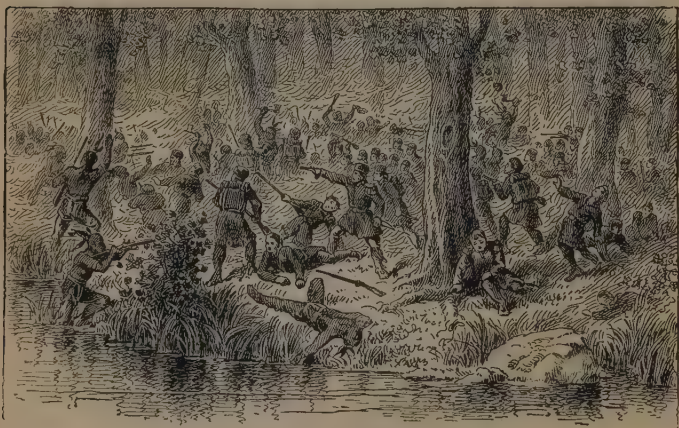
PLAN OF BATTLE OF POINT PLEASANT.\*

soldiers were fired upon and Hickman was killed, but Robertson ran into camp and informed General Lewis that he had seen a body of Indians covering four acres of ground. Within an hour after their presence

\* In this plan of the Battle of Point Pleasant, *a*, represents the point at which the battle began and where Colonel Charles Lewis was mortally wounded; *b*, the line of battle as it was, at mid-day; *c*, is the spot on which Cornstalk was afterwards buried, the same being now within the court-house enclosure and about fifty feet from the rear entrance of the court-house; *d*, the site on which Fort Randolph was erected immediately after the battle.

had been made known, a general engagement began, the battle-line extending from the bank of the Ohio to that of the Kanawha and distant half a mile from the point.

**11. A Bloody Field.** — Colonel Charles Lewis, brother of General Lewis, led the advance and fell mortally wounded at the first volley. His troops



BATTLE OF POINT PLEASANT.

wavered under an incessant fire, but Colonel Fleming advanced along the bank of the Ohio, and, although he was severely wounded, he remained at the head of the column and thus checked the Indian advance. The struggle continued with unabated fury until late in the afternoon, when General Lewis, seeing the impracticability of dislodging the Indians by the most vigorous attack, detached three companies with orders to proceed up the Kanawha river about half a mile

and then under cover of the banks of Crooked creek, attack the Indians in the rear. This movement secured for the Virginians a complete victory. The Indians finding themselves thus attacked, gave way and about sun-down commenced a precipitate retreat across the Ohio river toward their towns on the Scioto. The victory was dearly bought. Of the Virginians, seventy-five were killed and one hundred and forty were wounded.

**12. The Indian Army.**—The loss of the Indians could never be ascertained, nor could the number engaged be known. Their army was composed of warriors from the different nations north of the Ohio and comprised the flower of the Shawnee, Delaware, Mingo, Wyandotte and Cayuga tribes, led on by their respective chiefs at the head of whom was Cornstalk, king of the Northern Confederacy. Never, perhaps, did men exhibit a more conclusive evidence of bravery in making a charge and fortitude in withstanding one, than did these undisciplined soldiers of the forest on the field at Point Pleasant. The voice of Cornstalk could be heard above the din and roar of the battle.

**13. The Virginia Army North of the Ohio.**—Colonel Fleming was left in command at Camp Point Pleasant on the site of which he reared the walls of Fort Randolph, and the place was never afterward deserted. General Lewis, with a force of one thousand men, each with ten days' supply of flour, crossed the Ohio, and on the evening of the 17th of October encamped on the opposite side. On the following

morning, under the guidance of Captain Arbuckle, they began the march toward the Indian towns on the Sciota. Meanwhile Governor Dunmore advanced toward the same point, and when the southern wing had marched eighty miles through an unbroken forest, Governor Dunmore informed the commander that a treaty had been concluded with the Indians. General Lewis marched his army back to Point Pleasant, where it arrived October 28th. Leaving Captain Russell with a garrison of fifty men at this place, it continued its march to Fort Savannah, where it was disbanded in November. The northern division of the army returned by way of Wheeling. Thus ended Dunmore's war.

## CHAPTER IX.

### WEST VIRGINIA DURING THE REVOLUTIONARY WAR.

From 1775 to 1783.

**1. West Virginia at the Beginning of the Revolutionary War.**—At the beginning of the Revolution but two of the counties of West Virginia had an existence. These were Hampshire and Berkeley. In the year 1775, the former extended from the Blue Ridge to the Ohio and the latter stretched away from the North Mountain to the same western limit. Augusta county, now in Virginia, embraced all of West Virginia lying south of the Little Kanawha river and extended to the Mississippi. The dwellers here were of that hardy race cradled in the hot-beds of savage warfare, and when the Revolution came, nowhere could there be found more patriotic and determined spirits than the first settlers of West Virginia.

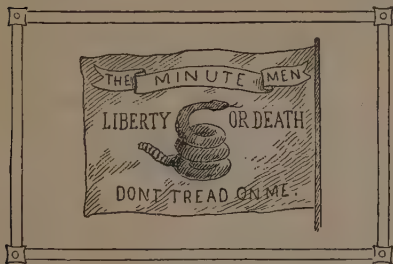
**2. Action of the West Virginia Pioneers.**—The first settlers of West Virginia were ready at the first drum-tap of the struggle, and no sooner did they hear the news from Lexington and Concord, than hundreds of them hastened to Pittsburg—then believed to be within the limits of Virginia—and, after pledging their lives to the cause of American liberty, they elected John Harvie and John Nevill to represent them in the Virginia Convention, in which these gentlemen were admitted to seats as the representatives of “the

people of that part of Virginia which lies westward of the Alleghany Mountains." The other members of this Convention, from what is now West Virginia, were Robert Rutherford and Adam Steven from Berkeley county, and John Mercer from Hampshire.

**3. A Second Convention.**—On the 16th of May ensuing, these West Virginia frontiersmen a second time assembled at Pittsburg and appointed an Executive Committee composed of twenty-eight of the most eminent men then on the frontier, whose duty it should be to represent the people residing west of the mountains. They at once raised fifteen pounds sterling and transmitted it to Robert Carter Nicholas to be used in defraying the expenses of Virginia representatives while attending the Continental Congress. Before adjournment they selected John Harvie and George Rodes to represent them in that body. These were the first members of an American Congress who sat for the inhabitants west of the Alleghanies.

**4. First Revolutionary Soldiers from the South Side of the Potomac.**—The first body of troops enlisted south of the Potomac, for service in the Revolutionary War, was a company of West Virginia pioneers which organized at Morgan's Spring in what is now Jefferson County, West Virginia. It was commanded by Captain Hugh Stevenson. Their banner was emblazoned with the device of the "Culpeper Minute Men"—a coiled rattlesnake ready to strike and the significant motto "Don't tread on me." Each man wore a buck-tail in his hat and had a

scalping-knife in his belt. The 17th day of July, 1775, was the date fixed for their departure and not



FLAG OF THE MINUTE MEN.\*

a man was missing. Having partaken of a frugal meal, they listened to a sermon and benediction and then took up the line of march for Boston, six hundred miles away. On the 10th of August, twenty-

four days after their departure, they were in sight of the American camp. Washington, when he saw them, galloped away to meet them. Captain Stevenson reported his troops "from the right bank of the Potomac," and the Commander, dismounting, shook hands with every man in the company. The second company of Virginians to go to Boston was that commanded by the famous Daniel Morgan, which in the autumn of 1775 marched from Winchester and, after spending a night at Shepherdstown, crossed the Potomac River at that place.

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\* The Border Riflemen of Virginia—founders of West Virginia—before the Revolution and at the beginning of that struggle were called MINUTE MEN, who, as John Randolph said in the United States Senate, "were raised in a minute, armed in a minute, fought in a minute, and vanquished the enemy in a minute." From a description of these men written many years ago, the following is taken: "They wore in their hats buck-tails, and in their belts tomahawks and scalping-knives. Their savage, warlike appearance excited the terror of the inhabitants as they marched through the country."

**5. Military Establishment of West Virginia.—**

The position of Virginia was a perilous one. Virginians had beaten the savage allies of Great Britain at Point Pleasant in 1774, but now they were to war against the Briton from the sea and the barbarian from the wilderness. To meet the former, veteran regiments were placed on Continental establishment, and to protect the western border—West Virginia—two companies of one hundred men each, to be collected in the District of West Augusta, were to join another company commanded by Captain John Nevill and doing service at Pittsburg. Another company of twenty-five men was ordered to Fort Fincastle at Wheeling, while a force of one hundred men from Botetourt county was sent to Fort Randolph at Point Pleasant. Every fort in West Virginia was garrisoned and the Western Military Department was organized with headquarters at Pittsburg.

**6. The District of West Augusta.—**For years before the Revolution, a part of West Virginia lying west of the Alleghanies was known as the "District of West Augusta." It was without any definite boundary until the same was defined by Act of the Assembly in 1776. Within the bounds as then fixed was included two-thirds of the present county of Randolph, half of Barbour, a third of Tucker, half of Taylor, a third of Preston, nearly the whole of Marion and Monongalia, a fourth of Harrison, half of Doddridge, two-thirds of Tyler and the whole of Wetzel, Marshall, Ohio, Brooke and Hancock. Within the District of West Augusta lived a heroic and patriotic

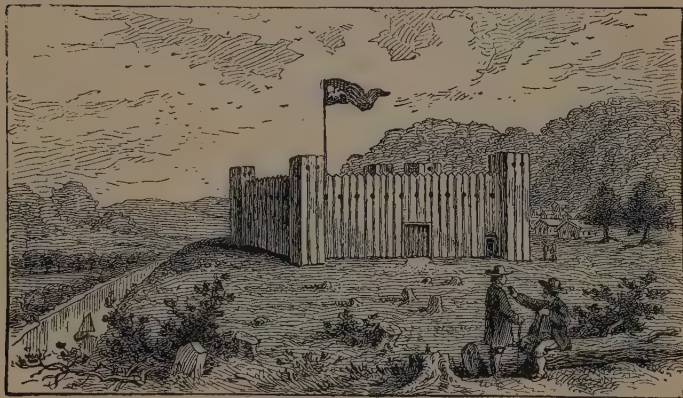
people. When the British under Tarleton drove the Legislature from Charlottesville and threatened to invade the Shenandoah Valley, a pioneer mother said to her three boys: "Go, my sons, and keep back the foot of the invader, or see my face no more." In the year 1777, the darkest of the Revolution, this incident was related to Washington and he was heard to exclaim: "Leave me but a banner to plant upon the mountains of West Augusta and I will gather around me the men who will lift our bleeding country from the dust and set her free." A succeeding section of the Act defining the boundary, provided for the division of the District into the three counties of Ohio, Youghiogheny and Monongalia.

**7. Important Events in West Virginia.**—Notwithstanding the large number of volunteers, a draft became necessary in 1776, the numbers thus collected in West Virginia counties being as follows: From Berkeley county, 52 men; Hampshire county, 33; Monongalia county, 40; Youghiogheny, 40, and in the county of Ohio a number equal to one-twenty-fifth of its militia. The Governor was authorized by the General Assembly to send any force not exceeding six hundred men to aid in suppressing any outbreak in the Ohio Valley. The Girtys and others deserted from the army at Pittsburg, and British influence was being exercised on the Upper Ohio. Later in the same year the Assembly provided for the enlistment of four hundred men, two hundred of whom were to be stationed at Point Pleasant; fifty at the mouth of the Little Kanawha—now Parkersburg;

fifty at the mouth of Wheeling Creek—now Wheeling, and one hundred at Fort Pitt, for so long a time as the Committee of Safety might deem necessary. Thus were guarded the outposts of West Virginia against the attacks of the allies of Great Britain from the West. The same year Virginia was first laid off in Senatorial Districts, two of which were in West Virginia. These were the twenty-third and twenty-fourth, the former embracing Berkeley and Hampshire counties and the latter the District of West Augusta. The town of Warm Springs in Berkeley county, now Berkeley Springs in Morgan county, was established by Act of the Assembly in 1776, on lands of Thomas, Lord Fairfax, the same having been surveyed by George Washington thirty years before. In this last named year, Moorefield, then in Hampshire, but now the seat of justice of Hardy county, was established a town on lands of Conrad Moore, from whom it was named.

**8. Indian Siege of Fort Henry.**—Patrick Henry, in 1776, became the first Commonwealth Governor of Virginia, and in his honor the name of the fort at Wheeling was changed from Fincastle to that of Henry. In September, 1777, a savage army, supplied with arms and provisions by the British Governor, Hamilton, at Detroit, and led on by the white renegade, Simon Girty, appeared before the walls of the fort in which there was a garrison of forty-two fighting men, under the command of Colonel Shepherd. The siege was continued for days, contrary to all the customs of Indian warfare. It ended in failure for

the British cause, for it was unquestionably one of the battles of the Revolution. The Tory whites and savages, who thus laid siege to the fort, were as much



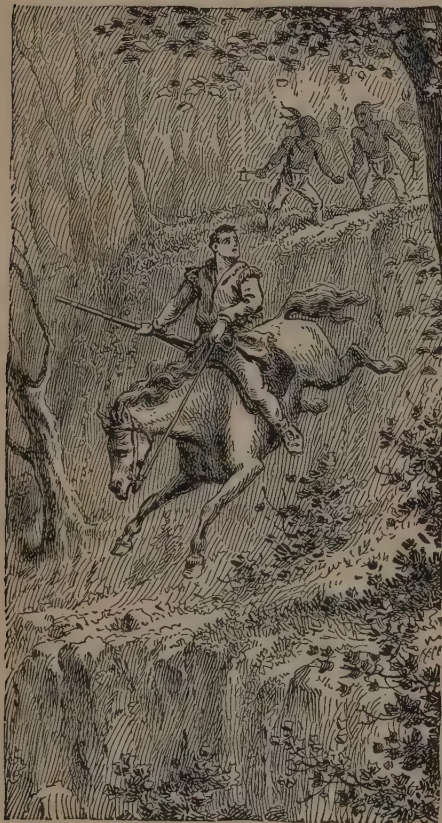
FORT HENRY.—1777.

the mercenary troops of Great Britain as were the Hessians and Waldeckers, who fought at Bennington, Saratoga and in New Jersey. The defense of Fort Henry was one of the most heroic achievements recorded in border warfare.

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\* Fort Henry at Wheeling was first called "Fort Fincastle," deriving its name from "Fincastle," the country home of Lord Botetourt in England. The fort was planned by Colonel George Rogers Clark, and its erection commenced by Ebenezer Zane and John Caldwell in the spring of 1774. The work was prosecuted by Major Angus McDonald, who in midsummer of the above named year, was joined by Colonel William Crawford, with a force of two hundred men, who soon thereafter completed the stockade fort. Here Lord Dunmore arrived September 30th of the same year, with twelve hundred men, seven hundred of whom came by water down the Monongahela and Ohio, and five hundred marched overland with the army supplies. The red uniforms of the British army were numerous in and around the fort that day.

**9. Major Samuel McColloch's Leap.**—While the investiture of Fort Henry was most closely maintained,



M'COLLOCH'S LEAP.

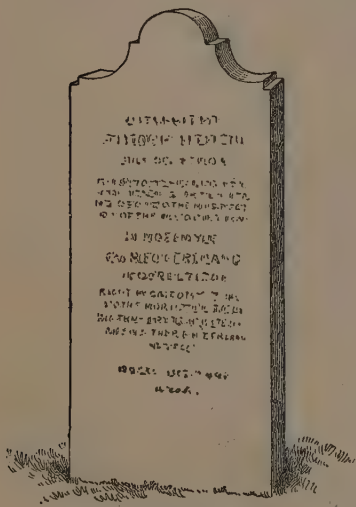
Major Samuel McColloch, with a force of forty mounted men, came from Short Creek—now in Brooke county—to the relief of the garrison. The gate was thrown open, but McColloch was not permitted to enter. The savages attempted to close around him, and he dashed away to Wheeling Hill. Having reached the point on the summit where the toll-gate on the Fulton road is now situated, he found the In-

dians in the front and rear with an almost perpendicular precipice of one hundred and fifty feet

descent on his right, with Wheeling Creek at its base. Supporting his rifle in his right hand and carefully adjusting the reins in the other, he urged the horse to the brink and made a leap for life. The next moment the noble steed, still bearing his intrepid rider, was at the foot of the steep descent. A dash down the valley of the creek, around the hill, and the soldier was safe within the walls of the beleaguered fort.

#### 10. Slaughter of Captain Foreman and his Men.

—Captain William Foreman, a brave and meritorious officer, organized a company of volunteers in Hampshire county, and in the autumn of 1777, marched from Romney to Wheeling and went into winter-quarters. Several families were then residing on the site of Moundsville and the neighboring hills and the savages were threatening an attack. The people at Wheeling were doing all that was possible to stay the storm, and to do this they hastened away at every alarm.



THE FOREMAN STONE.\*

Sunday morning, September 27th, 1777, dense col-

\*This stone continued to stand where first erected until the river's tide carried the soil away. Soon the stone would have toppled and fallen but the people were too patriotic to permit this, and it now stands in the cemetery at Moundsville. The

umns of smoke were seen in the direction of Grave Creek, and Colonel Shepherd, commandant at Wheeling, sent Captain Foreman with his company to render assistance, should it be necessary. When they arrived all was quiet; they halted for the night and the next morning started to return to Wheeling. When in the narrows, about four miles above where Moundsville now stands, a deadly fire was poured in on them by an unseen enemy. Captain Foreman, his two sons and eighteen others fell dead upon the field. The few that escaped reached Wheeling. When the war was over, a stone bearing the following inscription was reared upon the fatal spot:

THIS HUMBLE STONE IS ERECTED  
TO THE MEMORY OF  
CAPTAIN FOREMAN  
AND TWENTY OF HIS BRAVE MEN,  
WHO WERE SLAIN BY A BAND OF  
RUTHLESS SAVAGES  
—THE ALLIES OF A CIVILIZED NATION  
OF EUROPE—  
ON THE 28TH OF SEPTEMBER, 1777.  
"So sleep the brave who sink to rest  
By all their country's wishes blest."

County Court was the proper body to act and the following inscription recently chiseled upon the stone, tells of its action:

THIS MONUMENT  
WAS ORIGINALLY ERECTED ABOVE  
THE NARROWS ON THE OHIO RIVER,  
FOUR MILES ABOVE MOUNDSVILLE,  
ON THE GROUNDS WHERE THE FATAL  
ACTION OCCURRED,  
AND WITH THE  
REMAINS OF CAPT. FOREMAN,  
AND HIS FALLEN,  
PLACED HERE JUNE 1st, 1875,  
BY CAPTAIN P. B. CATLETT,  
UNDER ORDER OF THE COUNTY COURT  
OF MARSHALL COUNTY.

**11. Murder of Cornstalk at Point Pleasant.—**

The brave and noble Shawnee chief, Cornstalk, was atrociously murdered at Point Pleasant, November 10th, 1777. He and another chief, Red Hawk, came on a mission of peace and while remaining within the garrison, he was joined by his son, Elinipsico. The day after the son's arrival, two soldiers, Hamilton and Gilmore, went across the Kanawha river to hunt and were fired upon by the Indians, and Gilmore was killed. Hamilton ran down the river bank, calling for aid. Captain Hall, to whose company the men belonged, with others crossed the river, rescued Hamilton and brought over the dead body of Gilmore. When they returned, they raised the cry, "Kill the Indians in the fort." The command was executed and the three chieftains were speedily put to death. Virginia made an effort to punish the perpetrators of the foul deed, but failed to find the guilty parties.

**12. Siege of Fort Randolph.—**When the Indians heard of the murder of Cornstalk they resolved to avenge his death. A band of them appeared before Fort Randolph at Point Pleasant, and Lieutenant Moore with a small detachment was sent to drive them off. The Indians retreated and drew the Virginians into an ambushade. Lieutenant Moore and three of his men were killed at the first fire and the remainder of the party saved themselves by flight. Soon after—May 1778—a force of two hundred Indians again appeared before the fort and demanded its surrender. Captain McKee, the commandant, refused to comply, and a furious attack was com-

menced and continued for a week, when the besiegers, finding they made no impression on the fort, collected all the cattle in the vicinity and proceeded up the Great Kanawha river.

**13. Attack on Donnally's Fort.**—When the Indians withdrew from Fort Randolph, Captain McKee believed their object to be to attack the settlements in Greenbrier, and he asked his men if there were any among them who would volunteer to save the people. John Prior and Philip Hammond said, "We will." They started on their hazardous mission and passed the Indians on Big Clear Creek, within twenty miles of Donnally's Fort, which stood ten miles north of the present site of Lewisburg. They reached the fort at night and the Indians began the attack next morning and continued it throughout the day. Assistance arrived from Fort Savannah in the evening and the Indians were put to flight. The whites had four killed and two wounded. The defense of Fort Donnally was characterized by examples of bravery and heroism unsurpassed in forest warfare.

**14. Organization of Illinois County.**—In 1778, George Rogers Clarke conquered the Illinois country, and completely destroyed British supremacy therein, and Virginia hastened to make the first effort to establish civil government far to the westward of West Virginia and far beyond the Ohio. In October of the above-named year, the Assembly passed an act creating the county of Illinois from Botetourt. It included all of Virginia's possessions north of the

Ohio river, by which it was bounded on the south and southeast: Pennsylvania and what is West Virginia lay on the east; the Great Lakes bounded it on the north, and the Mississippi washed it on the west. John Todd was appointed County-Lieutenant and Civil Commandant of Illinois county. He was killed in the battle of Blue Licks, in Kentucky, August 18th, 1782, and his successor in office was Timothy de Montbrunn.

#### 15. General McIntosh in the Ohio Wilderness.—

This officer was made commandant of the Western Military Department, in which West Virginia was included. In 1778, with an army of one thousand men, collected at Pittsburg and Wheeling from the territory embraced in what is now West Virginia and western Pennsylvania, and, descending the Ohio river, marched into the wilderness. In what is now Tuscarawas county, Ohio, he erected a fort, which he named Fort Laurens, in honor of Henry Laurens of South Carolina, the President of the First Continental Congress. Here he left a garrison of one hundred and fifty men, and with the army returned to Pittsburg. The fort was besieged and fourteen of the garrison were killed. Colonel Gibson, the commander, deeming himself unable to hold this distant fortress in the heart of the wilderness, abandoned it in August, 1779, and marched the garrison to Wheeling.

#### 16. Miscellaneous Events in 1778.—

A ferry was established over the Potomac from the lands of Abraham Shepherd in Berkeley county to the lands of

Thomas Swarengen, in Maryland, but it was discontinued the next year. The first ferry established over western waters was that over the Monongahela, in 1778, from lands of James Devore to lands opposite. To meet the urgent needs of the Commonwealth in 1780, a tax of one shilling was laid upon every glass window in the State of Virginia and assessors were required to count the same. In the same year a requisition was made upon Virginia for two thousand men for the Continental Army and those apportioned to West Virginia counties were as follows: Berkeley, sixty-eight men; Greenbrier, thirty-four men; Hampshire, sixty-three men; Monongalia, thirty men. No requisition was made on Ohio county, for it was then believed that Pennsylvania would extend to the Ohio river. The Virginia troops were suffering for clothing, and an act of the Assembly required Berkeley county to furnish seventy-one suits; Greenbrier, eight suits; Hampshire, twenty suits. A suit consisted of two shirts of linen or cotton, one pair of overalls, two pairs of stockings, one pair of shoes, and one wool, fur or felt hat or leather cap. Such was the outfit of West Virginia soldiers in the Revolutionary army.

**17. Enlistment of West Virginians for the Continental Army.**—Early in the war, Virginia placed six regiments on Continental Establishment, and in addition thereto raised another to be known as the German Regiment. This last was recruited largely in the district of West Augusta, the counties of Berkeley and Hampshire, and the adjacent territory. Many of the first settlers of West Virginia served in

its ranks. June 7th, 1781, General Daniel Morgan wrote General William Darke from Winchester and authorized him to raise a regiment in the counties of Berkeley and Hampshire. General Darke hastened to execute the order, and the organization of the troops was speedily completed and they were put in the field. This was the famous Hampshire Regiment, which witnessed the surrender of Cornwallis to the united armies of America and France at Yorktown, October 19th, 1781.

*Rev* 18. **Land Titles in West Virginia.**—The passage of the Stamp Act by the British Parliament resulted in serious trouble to the founders of West Virginia, especially those on the upper waters of the Potomac. The law required all deeds to be recorded within eight days after execution. But because the hated stamps were required to be placed upon them, several courts, among them that of Hampshire, were either closed or refused to admit to record deeds bearing the royal stamp. To legalize these deeds upon which the frontiersmen refused to place stamps, an act of the Virginia Assembly became necessary and it was enacted, in 1779, that lands to the amount of four hundred acres be confirmed to all settlers along West Virginia rivers, who located prior to 1778. A Board of Commissioners was appointed for the purpose of examining land titles, and its meetings were held at Morgantown.

19. **Expedition of Colonel David Brodhead.**—The activity of British agents among the Indians kept Virginia's Western Military Department constantly

employed in defending her frontier from the inroads of savage hords. General Lachlin McIntosh, who was placed at the head of this Department in 1778, was succeeded in 1781 by Colonel David Brodhead. That official resolved at once to strike an effective blow against the Indian towns on the Muskingum. A force of eight hundred of the most daring frontiersmen of Virginia was collected at Wheeling, and at once crossed the Ohio and entered the wilderness. The army crossed the Muskingum river where the town of Zanesville now stands. A number of Indians were captured, all of whom were killed except a few women and children who were carried to Fort Pitt. Then the army disbanded.

**20. Massacre of the Moravian Indians.**—The massacre of the Moravian Indians is one of the darkest crimes recorded in border annals. Reverend Charles Frederick Post, a missionary from Bethlehem, Pennsylvania, with his co-laborers, John Heckewelder and others of the Moravian faith, had gone into the Ohio wilderness and there established missions at which were gathered the Indians who had become Christians through the teachings of these devoted men. Among these stations were Gnaden-hutten, Schonbrunn and Lichtenau. The savages continued their warfare along the border, and in May, 1782, Colonel David Williamson collected a body of men near where Steubenville, Ohio, now stands, and from there marched toward the Indian country. They reached the towns of these Christian Indians, where ninety-four of the innocent and unsuspecting victims

were put to death. Loskiel, the Moravian historian, characterizes this act as "the most infamous in the border wars of the West."

**21. Colonel William Crawford's Sandusky Campaign.**—In 1782 an army of four hundred and eighty men gathered on the Ohio side of the river above Wheeling, and under the command of Colonel William Crawford, a native of Berkeley county, now West Virginia, marched against the Wyandotte towns on the Sandusky plains. A weary march was completed and an encampment was made within the present bounds of Wyandotte county, Ohio. Here on the 4th of June, 1782, was fought the battle of Sandusky, in which the whites were defeated, with a loss of more than a hundred killed and wounded. The next day the routed army began its retreat toward the Ohio. The Indians made rapid pursuit, and many of the fugitives were captured and met with a worse fate than that of their comrades killed in battle. One of these thus taken prisoner was Colonel Crawford, who was afterward burned at the stake. Thus was terribly avenged the slaughter of the Moravian Indians—but not upon the perpetrators of that barbarous act.

**22. British Troops Attack a West Virginia Fort.**—On the 11th day of September, 1782, Fort Henry at Wheeling was a second time besieged. The attacking party consisted of a company of British soldiers, known as the "Queen's Rangers," under the command of Captain Pratt, and a body of Indians, savage allies of Great Britain, at the head of which was the notorious renegade, Simon Girty, who had deserted

the American army at Pittsburg in 1778, and had gone over to the British interest. The Indians were armed and equipped by Governor Hamilton of Canada. The British flag was carried at the head of the attacking column, from the leader of which came the demand to surrender. This was refused, and the fort was stormed, and there was a blaze of fire around its walls; never was a sight rendered more hideous than was that which followed the attack. For thirty hours that beleaguered fort sustained the shock of the combined force of British and Indians, but at the end of this time, the siege was raised and Fort Henry was never more attacked.

¶ **23. Heroic Achievement of Elizabeth Zane.**—At the time when the attack upon the fort was being pressed at every point, Colonel Shepherd explained to the men that the powder within the walls was almost exhausted, and that the only source from which a supply could come was the house of Ebenezer Zane, about sixty yards from the gate of the fort. The Colonel asked whether any man would undertake the hazardous task of securing some of the powder. Three young men stepped forward, but while the matter was being discussed, a young lady, Elizabeth Zane, sister of Ebenezer and Silas Zane, came forward and insisted that she should be permitted to make the desperate attempt, saying that her life could be better spared than that of a man at such a critical time. The gate was opened and she glided away to her brother's house, where she secured the powder, and then began the return. A volley was discharged at her, but the

bullets flew wide of the mark, and she entered the gate in safety, and thus saved Fort Henry. The pages of history may furnish a parallel to the exploit of Elizabeth Zane, but an instance of greater heroism is nowhere to be found.

**24. The End of the Revolutionary War.**—The Revolution closed in 1783, and the Colonies of 1776 had become the recognized nation of North America. How many West Virginia pioneers served during this war we do not know. But certain it is that the founders of our State were represented on almost every battlefield of the Revolution. The muster rolls of Virginia regiments are still in existence, and it is safe to say that, of the men composing the Hampshire Rifle Regiment alone, there are descendants in almost every county of the State. When the war was past, many old heroes found homes and lived and died in West Virginia. They had marked with their blood the snows of the North, and had marched and counter-marched through the pestilential swamps of the South. Of all the American States, West Virginia stands in point of service next to the Original Thirteen Colonies.

**25. Three West Virginia Major-Generals of the Revolution.**—Three Major-Generals of the Revolutionary War lived in Berkeley county, West Virginia. These were Alexander Stephen, Charles Lee and Horatio Gates. The former lies buried near Martinsburg. General Lee resided about ten miles from Martinsburg. General Gates was an English officer with Braddock at the battle of Monongahela in 1755, where he was shot through the body. He purchased

a farm in Berkeley county, where he resided until



GENERAL, HORATIO GATES.

the beginning of the Revolution, when he entered the American army and made a world-wide reputation by his capture of Burgoyne at Saratoga, in 1777. After the war, he returned to his home in Berkeley, where he resided until 1790, when he removed to New York, where he died April 10th, 1806.

**26. The Early Days of Martinsburg.**—Martinsburg is situated upon the site of what was once the chief town of the Tuscarora Indians, the little stream on which it is situated still bearing the name of Tuscarora creek. The town was created by legislative enactment in October, 1778, on lands of Adam Stephen, and named from Colonel T. B. Martin, one of the heirs of Lord Fairfax. November 30th, 1793, the Assembly directed the trustees to establish a market house, and February 9th, 1813, it was enacted that "all free white male persons, being citizens of Virginia, and free-holders of the said town" should meet in the ensuing April and elect a board of trustees therefor. The Martinsburg academy was established January 8th, 1822, with David Hunter, Elisha Boyd, Philip C. Pendleton, John S. Harrison, and John R. Cook, trustees.

## CHAPTER X.

### WEST VIRGINIA AFTER THE REVOLUTION.

From 1785 to 1795.

**1. Mason and Dixon's Line.**—So long as the country remained a wilderness the question of boundaries was of little consequence, but when settlements began to be made, disputes arose between Virginia and Pennsylvania. The southern boundary of Pennsylvania as defined in the grant to William Penn, was a line extending from the Delaware river five degrees west. With this Virginia had nothing to do until the western boundary of Maryland was passed, but beyond that both Virginia and Pennsylvania claimed jurisdiction and so bitter was the dispute that it almost ended in civil war.

**2. The Surveyors at Work.**—In November, 1763, Charles Mason and Jeremiah Dixon, two eminent surveyors of London, came to America to fix the boundary and on Cedar (now South) street, Philadelphia, they erected an observatory to enable them to ascertain the latitude of that city. Having done this, they fixed a stone from which to begin the celebrated "Mason and Dixon's Line." Slowly the surveyors proceeded westward and on October 27th, 1765, they were on the summit of North mountain, ninety-five miles west of the Susquehanna river. Here the work was stopped until the next year when it was

completed to the summit of the Alleghanies, where the Six Nations forbade further prosecution of the work. But their consent was secured and the work went on in 1767, until the Catawba war-path near Mount Morris, now in Green county, Pennsylvania, was reached, where it was again stopped by the Indians and here for fifteen years the Line terminated.

**3. The Line Completed.**—When the Revolution closed, Virginia and Pennsylvania, raised to the dignity of independent States, agreed amicably to adjust all boundary disputes. To perform this work, Dr. James Madison and Robert Andrews were appointed on the part of the former and John Ewing, George Bryan and David Rittenhouse on the part of the latter. The commissioners met at Baltimore in 1780, and began the work of extending Mason and Dixon's Line five degrees west from the Delaware river. But the Indians again stopped them and nothing was done for four years. Then a part of the commissioners reared an observatory at Wilmington, Delaware, and the others journeyed west and on the loftiest peak of the Fish Creek Hills erected another. Supplied with astronomical instruments, both parties, from their respective stations, for six weeks observed such celestial phenomena as would enable them to determine their respective meridians. From the data thus obtained, they determined the location of the *fifth meridian* west from the Delaware river, and here they planted a post to mark the southwest corner of Pennsylvania as the terminus of Mason and Dixon's Line.

**4. Virginia's Cession of the Northwest Territory.**—All of the vast region extending from the Ohio to the Mississippi and bounded on the north by the Great Lakes was known as the Northwest Territory, and claimed by Virginia, New York, Massachusetts and Connecticut. Virginia based her claim upon charters from the English King, upon the conquest of the country by General George Rogers Clarke, and upon the fact that she had established civil government in it by the creation of Illinois county. The smaller States, prominently Maryland, insisted that this region should be the property of the Nation and not of individual States. Virginia joined the other claimants in surrendering the territory, and in 1784, Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, for Virginia, executed a Deed of Cession to Congress, by which the State forever relinquished jurisdiction in the territory beyond the Ohio. This session and the running of the western boundary of Pennsylvania north from the western terminus of Mason and Dixon's Line, left a narrow strip between the said western line and the Ohio, which has ever since been known as the "Pan-Handle."

**5. Ferries Established.**—The first ferry on the South Branch of the Potomac was established in 1782, from the lands of Ralph Humphrey to lands opposite. In 1785 a ferry was established across the Monongahela at the mouth of Decker's creek. This year the first ferry on Tygart's Valley river was established from the lands of John Pettyjohns, to

lands opposite in Monongalia county. At the same time two ferries were established over Cheat river, one from the lands of Jacob Scott and the other from the lands of Thomas Butler, both in Monongalia county. The first ferry on New river was established in 1787, from lands of Charles Lynch in the county of Montgomery; and the same year the first ferry over the Ohio was established from lands of Robert Wood in Ohio county, to lands opposite in the Northwest Territory. The first ferry in Harrison county was established over Elk creek on lands of George Jackson in 1786. The same year a ferry was located by legislative enactment over the Greenbrier river where the town of Alderson now stands, and a year later Crow's ferry was established over the Potomac at the junction of the North and South Branches.

#### **6. Legal Establishment of West Virginia Towns.**

—In 1785, Clarksburg was established at the junction of Elk creek and the West Fork of the Monongahela on lands on which John Simpson had reared his cabin in 1764. Morgantown was established the same year. A year later Charlestown—then in Berkeley but now the seat of justice of Jefferson county—was made a town by legislative enactment, on lands the property of Charles Washington, from whom it derived its name. In October, 1787, the town of West Liberty, in Ohio county, was established on lands of Reuben Foreman and Providence Mounts. It was the seat of justice of Ohio county until 1797, when it was removed to Wheeling. The same year Middletown, in Ber-

keley, and Watson, in Hampshire, became towns by legislative enactment.

**7. Indian Hostilities Renewed.**—The year 1784 was one of comparative quiet. The treaty of peace between the United States and Great Britain had the effect to restrain the Indians for the time being, but they renewed hostilities in 1785, which they continued for ten years thereafter. A connected recital of the barbarities perpetrated in West Virginia alone, if written in detail, would fill volumes and would moreover present only a dreary uniformity of incident and a narration of individual efforts and sufferings, of less important triumphs and defeats, the whole being but a confused mass of re-encounters of the rifle and tomahawk, of murders, burnings, captivities and reprisals, which confound by their resemblance and weary by their number. It has been estimated that a thousand families in West Virginia alone, fell victims to savage barbarity.

**8. Famous Frontier Warriors.**—The long years of savage warfare developed many heroic men among the founders of West Virginia, and their names should not be forgotten, for they formed the strong arm of defense against the savage hordes that carried destruction along the frontier of civilization. Prominent among these men were Lewis Wetzel, Ebenezer Zane, Samuel McColloch, Andrew Poe, William Crawford, John Stuart, Samuel Brady, and a host of others who were leaders in the struggle between civilization and barbarism, which was decided chiefly on the soil of West Virginia.

### 9. Jefferson's Notes on the State of Virginia.—

The first literary work that related in any manner to what is now West Virginia, was the "Notes on the State of Virginia," written by Thomas Jefferson, third president of the United States, and published in Paris, France, in 1784, because the work could be done more cheaply there than in America. The edition consisted of but two hundred copies, some of which were distributed in Europe, but the greater number in America. The work was reprinted in France and this country. The author described with great exactness the rivers and mountains of West Virginia, having had access doubtless to the journals of Gist and other early explorers within the present limits of the State.

10. The First Steamboat in the World.—Shepherdstown is famous for having been the residence of James Rumsey, who was the first man in the world to propose steam as a substitute for wind in propelling vessels. He built a steamer on the Potomac in 1784, which was tested on the broad reach of that river at Shepherdstown, in the presence of General Washington and other distinguished men of the day. The material and workmanship, together with the tools used, were those of an ordinary blacksmith shop. After patenting his invention, Rumsey went to London where greater facilities were offered for perfecting it. There he built a steamer which was tested on the Thames. December 20th, 1792, while explaining his invention before the Society of Arts, of London, he placed his hand upon his head and complained of

pain. This was his last utterance. He died twenty-four hours later and was buried at St. Margaret's, in Westminster Abbey. He is the only West Virginian whose dust sleeps with that of the great men of England. Thus one of the world's greatest inventors



DWELLING OF JAMES RUMSEY AT SHEPHERDSTOWN.\*

was a West Virginian and he found a grave in a foreign land. The honor of the invention has been long claimed for others, and it is now time that the great wrong be corrected and credit given to him to whom it rightfully belongs, and whose claims are beyond successful contradiction.

**11. The Federal Constitution.**—Soon after the close of the Revolution it was seen that while the Articles of Confederation had bound the Colonies together in time of war they were not adapted to the new order of things. And for the purpose of forming

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\*From a drawing made by Henry Howe, Esq., the distinguished historian and artist, in 1843.

"a more perfect union," the Federal Constitution was framed. It had to be ratified by three-fourths of the States before it could become operative. The Virginia Convention which met for this purpose was composed of some of the most eminent men in the State. Seven counties existed in what is now West Virginia. These, with their representatives were



ARCHIBALD WOODS.\*

as follows: Berkeley, William Darke and Adam Stephen; Greenbrier, George Clendenin and John Stuart; Hampshire, Andrew Woodrow and Ralph Humphreys; Harrison, George Jackson and John Prunty; Hardy, Isaac VanMatre and Abel Seymour; Monongalia, John Evans and William McCleery; Ohio, Archibald Woods and Ebenezer Zane.

These representatives belonged to that class of men of whom it was said: "They are farmers to-day, statesmen to-morrow and soldiers always."

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\*Archibald Woods, prominent in the early history of Wheeling, was born November 14th, 1764, near Charlottesville, Virginia. In 1781 he enlisted in the Revolutionary army, and served until the close of the war, soon after which he removed to Ohio county. Here he was appointed a Justice of the Peace. With Ebenezer Zane he represented Ohio county in the Virginia Convention of 1788, which ratified the Federal Constitution and for which action both voted. He mustered troops for the War of 1812, and started on the march with them, but all were ordered to return before reaching the field of action. He was long connected with the business interests of Wheeling. He died October 26th, 1846.

**12. The Founding of Charleston.**—The land on which the city of Charleston now stands was granted in 1773 to Colonel Thomas Bullitt for services in the French and Indian War. He sold it to his brother Cuthbert, of Maryland, who transferred it to his son Cuthbert of Prince William county, Virginia. Charles



WILLIAM CLENDENIN.\*

Clendenin removed to the Greenbrier Valley as early as 1780. He had four sons—George, William, Robert and Alexander—all distinguished in border war. George rose to prominence and in 1787, when in Richmond, he purchased the land at the mouth of the Elk river, and a year later removed to it with his

aged father, brothers and an only sister. Here these founders of the future capital of West Virginia, on May 1st, 1788, began the erection of a block-house, which later served the purpose of dwelling, fort, court-house and jail. It was afterwards known as Fort Lee, so-called in honor of Governor Henry Lee, of Virginia. Soon others came to dwell in and

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\*Captain William Clendenin, one of the founders of Charleston, was a prominent frontiersman. He was wounded at the battle of Point Pleasant in 1774. He was one of the first justices of Kanawha county, which he represented in the Virginia Assembly in 1796, and 1801. He was high sheriff in 1802-3, and in the latter year carried the petition to Richmond asking for the formation of Mason county. It was created in 1804, and Captain Clendenin, then residing on the Ohio, within the limits of the new county, became its first representative in the General Assembly.

around the fort and in December, 1794, the General Assembly enacted "That forty acres of land, the property of George Clendenin, at the mouth of Elk river in the County of Kanawha, as the same are already laid off into lots and streets, shall be established a town by the name of Charleston," so called from Charles, the father of the Clendenin brothers, who were its founders.

**13. Harmar's Expedition against the Western Indians.**—The Indians still continued the war, and in 1790 General Josiah Harmar, with an army of fourteen hundred and fifty men, was sent against them. This force was organized at Fort Washington, now Cincinnati, from which place it marched on September 26th, its objective point being the Indian towns at the junction of the St. Mary's and St. Joseph's rivers—now Fort Wayne, Indiana. On October 22d, when within twenty miles of its destination, the army was attacked by a large body of Indians, who fought with such desperation that Harmar's army was thrown into utter confusion and retreated to Fort Washington, leaving the dead unburied on the field.

**14. Residence of Daniel Boone in West Virginia.**—Daniel Boone, the founder of Kentucky, spent several years as a resident of the Great Kanawha Valley. The cause which led to his removal from Kentucky is but another instance of man's injustice to man. Boone had been the first white man to find a home in the wilds of Kentucky, and when the wars were ended, he settled down to rest the remainder of his days. But the sheriff informed him that the title to his lands was

disputed, and suits entered against him. He could not understand this. He made no defense, but stung by ingratitude, he left Kentucky never to return. He



DANIEL BOONE.

went to the home of his childhood on the Schuylkill, but all was changed, and there could be no home there for him. Coming to the Great Kanawha Valley, he found congenial friends among the founders of Charleston. With George Clendenin he represented Kanawha county in the Virginia Assembly in 1791.

About the year 1798, he sought and found a home with his son, Daniel M. Boone, in Upper Louisiana. There he died in 1820, and in 1845 his remains were removed to Frankfort, Kentucky, where they now rest.

**15. The Town of Wellsburg.**—The town of Wellsburg, the seat of justice of Brooke county, was laid out by Charles Prather, from whom it received the name of Charlestown. It was established by legislative enactment, December 7th, 1791. By an act of the General Assembly passed December 27th, 1816, the name was changed from Charlestown to Wellsburg, in honor of Alexander Wells, who married the only daughter of Charles Prather. Brooke Academy at Wellsburg was incorporated by act of the Assembly passed January 10th, 1799. In 1852, it was by legislative enactment authorized to transfer its property to the Meade Collegiate Institute.

**16. Frontier Forts, Blockhouses and Stockades.**

—Such were the names given to the various kinds of structures for defense. A range of cabins usually formed at least one side of the fort. Partitions of logs separated the cabins one from another. The walls of these cabins on the outside were ten or twelve feet high, the slope of the roof being turned wholly inward. The blockhouses were built at the corners of the fort and projected about two feet beyond the outer walls of the cabins and stockades. The upper stories were about eighteen inches larger in diameter than the lower one, thus providing an opening at the commencement of the former to prevent the enemy from gaining a position under the walls. In some of these forts, instead of blockhouses, the corners were furnished with bastions. The fort was always near a spring or stream of water, and a large folding gate next to it, made of thick slabs, was the only point of entrance or exit. The walls were furnished with port-holes at proper heights and distances. The whole of the outside was made bullet-proof.

✓ **17. The Beginning of Wheeling.**—On a bright morning in 1770, Colonel Ebenezer Zane stood on the bank of the Ohio river, just above the mouth of Wheeling creek. He was the founder of a future city. Erecting a cabin, he remained a year, and then went east to induce some friends to remove with him to his home on the Ohio river. He was successful. His two brothers, John and Silas, came and spent the summer of 1772, and in the early part of 1773, other settlers came. Thus was made the permanent settle-

ment of a future city. Wheeling was laid out in town lots by Ebenezer Zane in 1793, and December 26th, 1795, it was made a town by legislative enactment. The town was incorporated January 16th, 1806, and by an act of the Assembly, March 11th, 1836, the town of Wheeling was incorporated into the city of Wheeling. The first court for Ohio county was held at Black's cabin, on Short creek, January 16th, 1777. Later the sessions were held at West Liberty, and in 1797, Wheeling became the seat of justice, and the court met at that place May 7th of that year at the house of John Gooding.

18. **The Defeat of General St. Clair.**—The only effect of General Harmar's campaign was to intensify the hostilities of the savages, and they waged a fierce and relentless warfare upon the frontier of Virginia and that of Kentucky. To stay the tide of blood, President Washington appointed General Arthur St. Clair to the command of the army of the Northwest. That officer proceeded to Fort Washington, whence the ill-fated expedition of General Harmar had marched, and there an army of twenty-three hundred men was speedily collected. On September 27th, 1791, it was put in motion and filed away into the wilderness. On November 3d, the army encamped in what is now Mercer county, Ohio, within two miles of the present Indiana state line. Here it was attacked, and no battle of the Northwest was ever attended with such a loss of human life. St. Clair's army became a band of fugitives, most of whom finally reached Fort Washington.

**19. West Virginians at St. Clair's Defeat.**—One of the most distinguished military men of West Vir-



GENERAL, WILLIAM DARKE.\*

ginia was General William Darke of Berkeley county. He won honor at the battle of Monongahela and served with distinction throughout the Revolutionary war. In 1791, as commandant of the Second Virginia regiment, he marched across West Virginia, and descended the Ohio to Fort Washington, where his regiment became an important part of the army of St. Clair. At the defeat of that army General Darke led three desperate charges and was the coolest man on that bloody and chaotic field. His regiment was composed almost en-

tirely of West Virginians and of those who lost their

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\*General William Darke, a distinguished soldier, was born near Lancaster, Pennsylvania, in 1735, and came with his parents to what is now Berkeley county, West Virginia, in 1741, when but six years of age. He was with Braddock at the battle of Monongahela, in 1755, and thereafter for fifteen years was engaged in

lives on that fatal field, eighty are reported to have been from Berkeley county alone. Long years after the mournful story of their fall was rehearsed in the mountain homes of West Virginia, and old soldiers chanted "St. Clair's Defeat," which told in plaintive accents how,

"We lost nine hundred men on the banks of the St. Mary."

## 20. Wayne's Victory; The Savage Power Broken.

—For a hundred years a merciless warfare had been waged against the frontier settlements, but the time was now come when the savage power was to be broken. Gen. Anthony Wayne—"Mad Anthony"—was placed in command of an army of more than three thousand men which was collected at Fort Washington for the purpose of invading the Indian

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the Indian wars on the western border. He entered the Revolutionary army in 1776, with the rank of Lieutenant-Colonel, and together with the greater part of his regiment, was taken prisoner at Germantown, and detained on board a British prison-ship, until November 1st, 1780, when he was exchanged. In 1781 he recruited his regiment, known as the "Hampshire and Berkeley Regiment," and with it was present at the siege of Yorktown, where, October 19th, 1781, he saw Cornwallis surrender his army to the Americans. He was a member of the Virginia Convention of 1788, which ratified the Federal Constitution, for which measure he cast his vote. Promoted to the rank of Colonel, he marched at the head of the Second Virginia Regiment, in 1791, and joined the ill-fated army of General St. Clair at Fort Washington, now Cincinnati. He saved the remnant of the army at St. Clair's defeat, on the banks of St. Mary's, near the present boundary line between Indiana and Ohio. Among the slain was his son, Captain Joseph Darke. General Darke died November 26th, 1801, and is buried in a neglected graveyard a short distance from Shenandoah Junction, in Jefferson county. His name is commemorated in the town of Darkesville, West Virginia, and in that of Darke county, Ohio.

country. On the 2d of August, 1795, the army was at Fallen Timbers, on the Maumee, now in Lucas county, Ohio. Here was concentrated the fighting force of the Indians, and here was waged the last battle for race supremacy in the Northwest. Wayne's victory was complete, and the "Treaty of Greenville," which followed, forever put an end to savage warfare on the south side of the Ohio, and West Virginia pioneers were for the first time safe in their cabin homes.

## CHAPTER XI.

### WEST VIRGINIA AT THE CLOSE OF THE EIGHTEENTH CENTURY.

From 1795 to 1800.

**1. A Permanent Peace.**—The close of the Indian wars secured a lasting peace to the founders of West Virginia, who had so long braved the perils of pioneer life. Now they went forth to another conquest—not with rifles but with the axe to conquer the wilderness, thus insuring to themselves and their posterity a rich inheritance. They were hundreds of miles from the marts of trade and almost entirely isolated from society, yet these men carved out a society of their own and established a code of morals as rigid as any known in older lands. The records of their first courts contain many entries showing indictments for Sabbath breaking and profanity.

**2. Anne Bailey, the Pioneer Heroine of the Great Kanawha Valley.**—One of the most remarkable personages of pioneer times was Anne Bailey, who has been called the Pioneer Heroine of the Great Kanawha Valley. Her maiden name was Hennis. She was born in Liverpool, England, in 1742, and came to America in 1761, stopping with relatives in Augusta County, Virginia. She wedded Richard Trotter, a soldier who was killed at the battle of Point Pleasant.

When she heard of her husband's death a strange wild dream seemed to possess her. She donned male attire and ranged the wilderness as scout and messenger so long as the Indian wars lasted. November 3d, 1785, she was married a second time to John Bailey at Lewisburg. When the wars were ended she went to live with William Trotter, an only son, in what is now Gallia county, Ohio, where she died November 22d, 1825.

**3. The West Virginia-Kentucky Boundary.**—The boundary line between Virginia and Kentucky as agreed upon by the two States in 1795, is the same as that now existing between West Virginia and Kentucky. Friday, December 25th, 1795, Governor Brooke appointed Archibald Stuart, Joseph Martin and Creed Taylor, commissioners on the part of Virginia, to assist in fixing the boundary between the two States. To co-operate with these, the Governor of Kentucky named John Coburn, Robert Johnson and Buckner Thurston. These commissioners met, in 1799, at Cumberland Gap, now on the northern boundary of Tennessee, and began their work. From there the line was marked along the highest part of the Cumberland Mountains to the head waters of the west fork of Big Sandy and thence to the Tug Fork; thence down that stream to its junction with the west branch and thence down main Sandy to its confluence with the Ohio. The surveyors marked trees along the line with the letters "V. K."—Virginia and Kentucky.

**4. The Founding of Harper's Ferry.**—Harper's Ferry is the most eastern town in West Virginia and

derives its name from Robert Harper, an Englishman who was a carpenter and mill-wright, residing near Philadelphia. In 1747, he was employed to build a church for the Quakers on Opequon river. Arriving at Frederick, Maryland, he expected to go to his destination by way of Antietam, but was induced by one Hoffinan to go by "The Hole," as the present site of Harper's Ferry was then called. On reaching the place he found the spot occupied by the cabin of Peter Stevens, who had erected it in 1734. Harper was so much pleased with the surroundings that he bought the claim from Stevens for fifty British guineas, and afterward purchased the title from the agent of Lord Fairfax. Harper brought his family to this place, which he made his permanent residence. He died in 1782. A ferry was established across the Potomac, by the Virginia House of Burgesses in 1761, and the place has ever since been known as "Harper's Ferry."

**5. United States Arsenal Established at Harper's Ferry.**—In the year 1794, Congress passed an act establishing an arsenal and gun manufactory at Harper's Ferry. The same year the Virginia Assembly granted to the National Government the right to purchase a tract of land not to exceed six hundred and forty acres, upon which to erect the necessary buildings, and for other purposes. In 1798, the work was begun. In 1799, it seemed that war would break out between the United States and France, and the former in anticipation of such an event, organized a military force which it held ready for service. The

10th Regiment of United States Infantry, commanded by General Alexander Hamilton, was sent to Harper's Ferry and there spent the winter. The high land on which it encamped has ever since been known as "Camp Hill."

✓ **6. The "Memorandum" of Colonel John Stuart.**—Colonel John Stuart was one of the most distinguished frontiersmen of West Virginia. Born in Virginia in 1750, he came with others to the Greenbrier wilderness in 1769, and halted near the present site of the town of Frankfort, in Greenbrier county, where he reared his cabin as a bethel over his first camping spot in the wilds of West Virginia. He commanded a company in the army of General Andrew Lewis, at the battle of Point Pleasant in 1774, and witnessed the murder of the Indian chieftain, Cornstalk, at that place November 10th, 1777. Upon the formation of Greenbrier county, he became Clerk of the Court, a position which he held for many years. July 15, 1798, he wrote in Deed Book No. 1, in the office of the Greenbrier County Court, an extended "Memorandum," to which we are indebted for much of our knowledge of the early settlements of the Greenbrier Valley.

**7. Education in West Virginia Prior to the Year 1800.**—We have but few records of educational work in West Virginia before the year 1800, but the old-time schoolmaster was then abroad in the land. The first effort to establish a school on the Ohio River, appears to have been made at Charlestown—now Wellsburg—in Brooke county in 1778, and the nucleus

thus formed seems to have expanded into Brooke Academy, which was incorporated in 1799. The first effort to establish a school of high grade in central West Virginia was that of Randolph Academy at Clarksburg, incorporated in 1785. Among the trustees of this institution were Governor Edmund Randolph, Benjamin Harrison, Patrick Henry and Ebenezer Zane. When a school was first established at Shepherdstown—the oldest town in the State—is not known. But Reverend Robert Stubbs who, December 3d, 1787, made affidavit that he had witnessed the trial of Rumsey's steamboat on the Potomac, subscribed himself, "Teacher of the Academy of Shepherdstown." Charlestown Academy in Jefferson County was incorporated in 1797.

**8. Early West Virginia Pensioners.**—Very soon after Virginia became an independent State, the Assembly began to make provision for the men who had been disabled in the military service of the Commonwealth. This was before the creation of the Pension Bureau of the Federal Government. In 1790, Thomas Price, of Randolph county, was placed on the pension rolls of the State because of wounds received at the battle of Point Pleasant. James Price and Abraham Nettles, of Greenbrier county, were granted pensions for services during the Revolution. In 1792, the names of Alexander Stewart and Benjamin Blackburne were added because of wounds received at the battle of Point Pleasant, and two years later, that of James Robinson was enrolled for the same cause.

**9. The Homes of the Pioneers.**—One of the frontiersmen has this to say of their homes: "In the whole display of furniture, the delft, china and silver were unknown. It did not then, as now, require



PIONEER LIFE IN WEST VIRGINIA.

contribution from the four quarters of the globe to furnish the breakfast table, viz.: the silver from Mexico; the coffee from the West Indies; the tea from China; and the delft and porcelain from Europe or Asia. Yet our homely fare and unsightly cabins and furniture produced the hardy

race, who planted the first footsteps of civilization in the immense region of the West. Inured to hardship, bravery and valor from their early youth, they sustained with manly fortitude the fatigue of the chase, the campaign and scout, and with strong arms turned the wilderness into fruitful fields, and have left to their descendants the rich inheritance of an immense commonwealth blessed with peace, wealth and prosperity."

**10. Character of the Pioneers.**—The first inhabitants of West Virginia were as hardy a race as ever braved the perils of the wilderness, but the men who

conquered it, have all fallen by the hand of death and many of them whose deeds deserved a monument, scarce found a tomb. Time has waged a merciless warfare upon the memorials of the Pioneer Age, which was to Virginia what the Heroic Age was to Greece. The men who settled in West Virginia prior to the close of the last century, knew when they came that it was to do or to die. A fierce, implacable and deadly foe met them at every hand. To succeed required caution, energy, courage, hope. All of these they possessed in an eminent degree, and they therefore won the rich inheritance which they have transmitted to their descendants.

**11. Early House Building in West Virginia.**—A family would leave the settled portions east of the mountains, cross the same, and journey through the forest or along the river, until a suitable location was found. Then a halt was made and house building began. Small trees were felled and logs cut to the proper length and then collected at the spot selected. Then the structure was raised. Clap-boards were split with a tool called a frow, and placed on the rib-poles of the house, and then weight-poles were laid on to hold the boards in place. Slabs, called puncheons, were then split and after being partially smoothed with the axe were laid down for a floor. Then spaces between the logs were filled with chinks and daubed with mortar made of clay. A huge fireplace occupied one end of the structure, and over it was erected a chimney made of sticks and clay, and called a "cat-and-clay" chimney. The house was usually of one

story. In such houses as these were born many of the men who have made the Commonwealth of West Virginia what it is to-day.

**12. West Virginia at the Close of the Eighteenth Century.**—At the close of the year 1800 there was a busy population in West Virginia numbering 78,592, there having been but 55,873 in 1790. Homes of thrift and industry gave evidence of long years of settlement in the Eastern Pan-Handle, while from the Alleghany mountains to the Ohio, cabin homes dotted the landscape. No sounding bell called these frontiersmen to the place of worship, but they were worshipers in all that the term implies. Ministers of all the leading denominations had gone among them, and after organizing a congregation had made the home of the pioneer a preaching place; and there the men who were felling the forest on the hills and in the valleys, gathered for services as often as the itinerant minister came. Thirteen of the present counties had an existence and Wheeling, Wellsburg, Clarksburg, Martinsburg, Shepherdstown, Parkersburg, Point Pleasant and Charleston were frontier villages.

## CHAPTER XII.

From 1800 to 1811.

**1. The Beginning of the Century.**—At the beginning of the 19th century there was, as stated, a population of 78,592 in what is now West Virginia as determined by the census of 1800, and thirteen of the present counties had an existence. The Assembly, in 1801, passed various acts relating to matters west of the mountains. Ferries were established over the Ohio and Little Kanawha rivers at Parkersburg, and over the Great Kanawha at the mouth of Cole river. The town of Union, in Monroe county, began its legal existence. The Monongahela and Little Kanawha rivers were declared to be public highways, as was Elk creek as far up as "Jackson's Mill." A road from Romney through Berkeley county to the "Federal City" was directed to be constructed. The "Cross Roads," now Pruntytown, in Taylor county, was made a town by legislative enactment.

**2. Events in 1802.**—Commissioners were appointed to view and mark a road from Keys' Ferry on the Shenandoah river through Berkeley and Hampshire counties to intersect the Maryland road near Gywnn's Tavern; these commissioners were required to meet at the mouth of New creek to begin their work. Forest fires were common, often from accident, but sometimes resulted from malicious intent and a penalty of

\$30 was fixed for each such offense. A wagon road was constructed over the mountains from the headwaters of the James river to the plantation of Carroll Morris on the Great Kanawha river, the work being superintended by David Ruffner.

**3. A French Traveler in West Virginia.**—In the year 1802 F. A. Michaux, M. D., a celebrated French physician and botanist, left Philadelphia, and, passing over the mountains, traversed the northern portion of West Virginia. On the morning of July 16th of the above named year he reached West Liberty, in Ohio county, which had been made a town by legislative enactment, November 20th, 1787, on lands owned by Reuben Foreman and Providence Mounce. This traveler, speaking of it, says: "We passed through West Liberty Town, a small town of about a hundred houses built on the side of a hill. The plantations in its neighborhood are numerous, and the soil, though unequal, is fertile. The price of land depends on its quality. The best in the proportion of twenty-five acres of cleared land in a lot of two or three hundred is not more than three or four piasters an acre."

**4. Occurrences in the Year 1803.**—A ferry was established over Fishing creek and another over Guyandotte river near its junction with the Ohio. It was represented to the Assembly; that because of the incursions of the Indians, William Clendenin, sheriff of Kanawha, had been unable to collect the taxes in that county for the years 1792-3-4, and an act was passed giving him two additional years in which to make the said collections. The Court of Wood county was

instructed by the General Assembly to appoint five commissioners to ascertain whether the erection of mills on the Little Kanawha river would be any obstruction to navigation and to report thereon to the Court.

**5. The Last Survivor of the Lewis and Clarke Expedition.**—In the year 1803 the United States purchased from France all that vast region west of the Mississippi, known as Louisiana territory. Of this



MERIWETHER LEWIS  
IN INDIAN COSTUME.\*

addition to the domain of the United States, but little was known, and Congress, the same year, made an appropriation and empowered President Jefferson to have it explored. To prosecute this work, he chose Meriwether Lewis and William Clarke, both of Virginia. They made the necessary preparation, and with a band of forty-three adventurers, rendezvoused on the Mississippi at the mouth of Du Bois River, where the winter of 1803 was spent. Monday, the 14th day of

May, 1804, the expedition began the journey up the

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\*Captain Meriwether Lewis, associate of Captain Clarke, was a nephew of President Jefferson, and was born in Albemarle county, Virginia, August 19th, 1774. Entering the army, he served during the Whisky Insurrection in 1794. He rose to the rank of Captain in 1800, and the next year became the private secretary of the President. After the return of the expedition he was appointed—1807—Governor of Louisiana Territory. In 1809 he started on an overland journey to Washington, and on the morning of October

long and silent river toward the Rocky Mountains. On the 25th, they passed the most western outpost of civilization and began the march into an un-



PATRICK GASS.\*

known country. Onward they pressed through the homes of wild beasts and savage men; up the Missouri; over the vast mountain barriers and down the Columbia, until at length, on the 16th of November, 1805, they stood at its mouth and the Pacific Ocean lay before them. The return journey began, and on the 23d of Sep-

tember, 1806, the expedition reached St. Louis,

11th of that year was found dead in his room at a wayside inn in Tennessee. Whether he died by his own hand or that of an assassin will never be known.

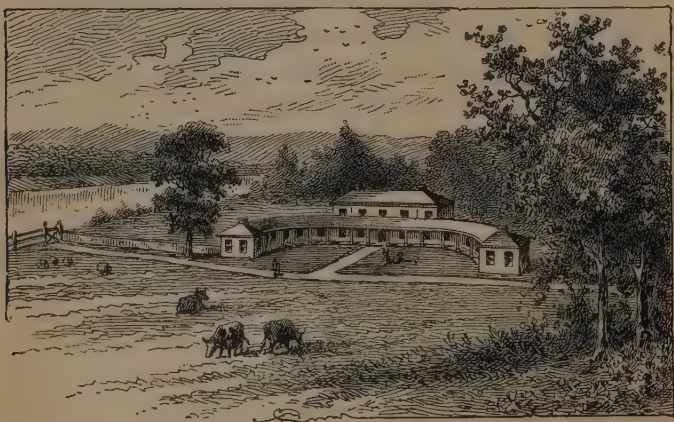
\* Patrick Gass, the last survivor of the Lewis and Clark Expedition, was born June 12th, 1771, in Cumberland county, Pennsylvania. Soon after the family removed to Maryland, but shortly returned to Pennsylvania. When but a boy he entered the army, and when not on the march or scouting he was engaged in garrison duty in the forts on the Upper Ohio. The United States, in 1799, in anticipation of a war with France, enlisted troops for the army. Patrick Gass enrolled himself as a member of the 10th regiment, which spent the winter of 1799 in camp at Harper's Ferry. In 1802 he served under Captain Bissell on the Tennessee river, and the next year went to Kaskaskia, Illinois. Here he enlisted as a member of the expedition, then fitting out to explore the Pacific Coast. In 1812 he entered the army again, and participated in the battles of Chippewa, Lundy's Lane and Fort Erie. In 1831 he married a lady in Brooke county—now in West Virginia—where he continued to reside until his death in 1870, then in his ninety-ninth year.

having spent two years, four months and nineteen days beyond the confines of civilization. Patrick Gass, of Brooke county, West Virginia, was the journalist of the expedition. He kept a diary of events, which was published at Pittsburg in 1807, and reprinted at Philadelphia in 1812. Aside from the official reports, we are indebted to Patrick Gass, the last survivor of the expedition, for nearly all the knowledge we have concerning it.

6. **Blennerhassett's Island.**—Situated in the Ohio river, two miles below the mouth of the Little Kanawha river, is the beautiful isle, known the world over as Blennerhassett's Island, for the world knows the story connected with it. Harman Blennerhassett was born of Irish parentage in Hampshire, England, in 1767, and was educated for the law. He inherited a valuable estate in Ireland of which he disposed by sale, and having resolved to come to America, he went to England to prepare for the voyage. While in that country he became acquainted with Miss Agnew, a daughter of the Lieutenant-Governor of the Isle of Man, and a granddaughter of the celebrated general of that name, who fell in the battle of Germantown. She was young, intelligent and beautiful. She listened with delight to the stories of that far-off land in the Western World. There was a marriage, and Harman Blennerhassett and his bride crossed the ocean and landed in New York City in 1797. In the autumn of the same year they crossed the mountains and reached Pittsburg.

7. **Seeking a Home.**—At Pittsburg they obtained passage on a keel-boat, which was at that day the

most comfortable mode of traveling on the western waters, and in the course of time arrived at Marietta, at the mouth of the Muskingum river. Here the winter was spent in social intercourse, and in 1798 Blennerhassett purchased the island which has ever since borne his name, and the same year moved into a block-house on the upper end of it. Here he



THE BLENNERHASSETT MANSION.

reared a palace, which was an ideal, an image of which had haunted his youthful fancy as a picture of sylvan beauty, of peaceful solitude, of calm repose. It was a mansion of which a king might have been proud. The halls were light, airy, and elegant, with gay-colored carpets, splendid mirrors, classic pictures, rich tapestry, with ornaments correspondingly elaborate, arranged with harmonious effect in accordance with the artistic taste of the mistress of the mansion.

There, too, was stored a most valuable library, containing the rarest and costliest books to be found in Europe or America.

**8. Aaron Burr Visits the Island Home.**—Aaron Burr, the slayer of Alexander Hamilton and late Vice-President of the United States, set out on a journey through the Western States, the object being ostensibly to purchase lands in the Louisiana Territory, but really to make arrangements for a private expedition against Mexico and the Spanish provinces, in the event of a war between the United States and Spain, which at that time seemed inevitable. Descending the Ohio, he called at the mansion which adorned the willow-fringed island, and from the moment that he set foot upon it that home was doomed. Blennerhassett was a shining treasure, just such as Burr was seeking. He listened to the recital of the wild and visionary scheme, and then embarked in it.

**9. The Country in Which Burr Expected to Establish a Southwest Empire.**—Beyond the Mississippi lay the vast region known as Louisiana, which the United States had but recently purchased from France. It was a region extending from the Gulf of Mexico to Canada, and from the Mississippi to the Rocky mountains. Away to the southwest of Louisiana lay Mexico, of which Texas was then a part, a country whose national existence and traditions ante-date the discovery of America more than a thousand years. Its shores were first seen by white men in 1517, when Francisco Fernandez de Cordova, while cruising in the Spanish Main, landed on the

coast of Yucatan. It was Louisiana and Mexico in which Burr hoped to appear as liberator, then as ruler or sovereign of an empire reared within the limits of these countries.

**10. The Expedition and Its Results.**—In the autumn of 1806, active preparations began for the contemplated expedition. Blennerhassett had embarked his fame and fortune in the enterprise of Burr. Boats were constructed and freighted with supplies and munitions of war, and December 10th, 1806, under cover of darkness, the flotilla left the island and began the descent of the Ohio. The next morning a body of Virginia troops, under the command of Captain Hugh Phelps, occupied the island, taking military possession, and Mrs. Blennerhassett and her children left the island never to return. The mansion was greatly damaged, and was destroyed by fire in 1812. Burr and Blennerhassett were both arrested and taken to Richmond, where they were confined in the State prison. Burr was tried on a charge of treason and acquitted. Blennerhassett was released without trial. The family was ruined. Blennerhassett died on the Island of Guernsey in 1831, and the wife some years later in New York City.

**11. The Journal of Judge Lewis Summers.**—Lewis Summers, afterwards a distinguished jurist of Virginia, made an extended journey through what is now West Virginia in 1808. On June 30th of that year he left the home of his father near Alexandria, Virginia, and on horseback crossed the mountains to the westward. Passing through the Greenbrier

region he journeyed down the Great Kanawha Valley and thence up the Ohio river to Wheeling, from which



LEWIS SUMMERS.\*

place he returned to his home on the Potomac. He kept a journal of all that he saw and heard, which has been published. It is one of the best descriptions of what our State was at that time that has come down to us. It was published with copious notes in the *Southern Historical Magazine*, in 1892.

**12. Parkersburg Made a Town.**—In the year 1773, Robert Thornton, of Pennsylvania, obtained a settlement title to 400 acres of land, including that on which the town of Parkersburg now stands, and in 1783 it was confirmed to him by the Virginia Commissioner of Lands. In December, 1783, James Neale, assisted by Samuel Hannaway, surveyor of Monongalia county, surveyed two tracts of land for Alexander Parker, of Pennsylvania, assignee of

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\*Judge Lewis Summers was born in Fairfax county, Virginia, November 7th, 1778. He was one of the most eminent men that the State produced, when the two Virginias were one. In 1808 he removed to Gallipolis, Ohio, where two years later he was elected to the State Senate. In 1814 he made Kanawha county, now in West Virginia, his home. There later, he was elected a member of the General Assembly of Virginia, and re-elected the ensuing year. In 1819, he was chosen Judge of the General Court of Virginia, and of the Kanawha Judicial Circuit. He was a member of the Board of Public Works for many years, and was a member of the Constitutional Convention of 1829-30. He died at White Sulphur Springs, August 27th, 1843, having served for more than a quarter of a century as a Judge of the General Court of Virginia.

Robert Thornton. And July 3d, 1787, his title was confirmed by the State. Parker died about the year 1800 and the lands descended to his daughter Mary, who wedded William Robinson, of Pennsylvania. The title to the lands was disputed and the suit resulting therefrom continued until 1809, when the Parker heirs gained possession of the land, and December 11th, 1810, the town was laid out and named Parkersburg in honor of Alexander Parker.

✓ **13. Wheeling in 1810.**—A traveler who saw Wheeling in 1810, thus describes it: "Wheeling has but one street which is thickly built on for a quarter of a mile in length. The town has about 115 dwellings, 11 stores, 2 potteries of stoneware, and a market-house. And it had in 1808-9, a printing-office, a book store and library; the first two quit the town for want of public patronage; the last is still upheld by the citizens. The mail stage from Philadelphia to Baltimore arrives here twice a week by way of Pittsburgh and Wellsburg and thence westward; the mail is dispatched once a week on horses. The thoroughfare through Wheeling of emigrants and travelers, into the State of Ohio, and down the river, is very great in the spring and fall. Since the completion of the great turnpike, business and the carrying trade is very lively in and through Wheeling." Such was the chief city of West Virginia nearly a century ago.

**14. Steam Navigation on the Ohio River.**—Robert Fulton took up the steamboat where James Rumsey, the West Virginia inventor, left it. Genius, aided by the money of Chancellor Livingston, gave to the world

the steamboat. August 7th, 1807, the "Claremont" left the wharf at New York and plowed its way up the Hudson bound for Albany. This boat was altered and called the "North River." The same year Fulton began the building of the "Raritan," designed for the river of that name, and of the "Car of Neptune," for the Hudson.

**15. Was the Ohio River Navigable for Steamboats?**—The fourth steamboat was to be navigated on distant waters. Beyond the Alleghanies the Ohio river flowed away to the southwest through what has since become one of the most productive regions of the globe. Whether that river was navigable for steamboats was not known, but Fulton and Livingston determined to ascertain. Nicholas J. Roosevelt was one among the most eminent civil engineers of his time and he was sent to explore the river. He, with his wife, reached Pittsburg in May, 1809. A little flat-boat was secured and supplies for the journey provided, and the two went on board and began the descent of the river. It was mid-summer and at every angle or curve of the stream an ever-changing panorama of river, hill, plain and forest was presented to view. Six months passed away and the little boat lay at the levy at New Orleans, and those on board went to New York by ocean conveyance.

**16. The Building of the Steamer "New Orleans."**—Roosevelt's report demonstrated the feasibility of steam navigation on the Ohio, and in the spring of the year 1810 the great engineer was sent to Pittsburg to superintend the building of the first steamboat

on the western waters. Within the present corporate limits of Allegheny City, Roosevelt laid the keel of his boat. The hull was 110 feet long and 24 feet wide. After nearly two years' labor the boat was completed at a cost of \$38,000. She was launched and named the "New Orleans." The pilot steered her up the Monongahela and back and up the Allegheny. It was her trial trip and it was most satisfactory. All things were prepared for the voyage down the Ohio. Roosevelt and his wife were the only passengers aboard. There was a crew consisting of a captain, and engineer, two pilots, six hands.

On September 27th, 1811, the day of the steamer's departure, there was great excitement at Pittsburg. Almost the entire population thronged the banks of the Monongahela. There was heard many a God-



STEAMER "NEW ORLEANS."

speed from the people as the boat disappeared behind the first headlands. Onward sped the steamer at the rate of ten miles an hour. Short stops were made at Cincinnati and Louisville and passengers and freight were

taken on board at Natchez for New Orleans. It was the experimental voyage and the beginning of the greatest inland commerce of the world. From 1811 to 1818, fifteen steamers were built on the Ohio, and by the year 1820, forty had been built on western waters, seven of which had been wrecked and thirty-three were in service.

## CHAPTER XIII.

### THE WAR OF 1812; NEWSPAPERS.

From 1811 to 1825.

1. **West Virginia in the War of 1812.**—When the second war with Great Britain was declared, Virginia called upon her sons to defend her soil from the foot of the invader, and nowhere did that call meet with a more ready response than amid the hills and valleys of West Virginia where dwelt the sons of the Minute Men of the Revolution. There lived the descendants of the men who had seen service in the War for Independence and had withstood the storm of savage warfare for many years. From the summit of the Alleghanies to the banks of the Ohio, men mounted their horses, strapped on their knapsacks and turned their faces from home.

2. **Their Gathering at the City on the James.**—There was no distinction of the rich and the poor. Gentlemen who had occupied conspicuous places in the halls of legislation, the plowman fresh from the fallowed field, officers, soldiers, citizens, all went with one accord. Within a fortnight after the call to arms, fifteen thousand men were encamped within sight of Richmond, among them the largest body of cavalry—horsemen from the west side of the Blue Ridge—that, up to that time, had ever been reviewed on the Continent. There were too many and in one morning, one

thousand of them were discharged and sent home. On their way over the Blue Ridge they met whole companies, some from the banks of the Ohio, still marching to the East. Commanding one of these companies was Captain Peter H. Steenbergen. Nearly a regiment of West Virginians marched to the West and served with General Harrison on the Maumee. Dr. Jesse Bennett, the



GEN. P. H. STEENBERGEN.\*

first regularly educated physician in Mason county, was the surgeon of the regiment. Major Andrew Waggener, of Berkeley county, was the Hero of Lundy's Lane, and the first men to double-quick up Pennsylvania avenue, after the British General Ross had fired the National Capitol, was a battalion of minute men from the Virginia mountains.

**3. Direct Tax Paid by the Counties of West Virginia.**—The collection of a Direct Tax by the General Government is only resorted to in cases of great emergency. The second Section of Article 1, of the Federal Constitution, declares that "direct taxes shall be ap-

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\*General Peter H. Steenbergen was born July 12th, 1788, near Moorefield, in Hardy county. He was educated at Washington Hall, now Washington and Lee University, Virginia, and settled on the Ohio river in Mason county, now West Virginia, in 1811. When the second war with England came, he entered the army as captain of a cavalry company mustered in Mason county. He rose to the rank of colonel in the Virginia military establishment, and then to that of Brigadier-General, which he held for many years. He died July 31st, 1863.

portioned among the several states which may be included within this Union according to numbers." The first time that Congress availed itself of this constitu-



DR. JESSE BENNETT.\*

tional provision was to aid in the prosecution of the second war with England, when, on August 2d, 1813, an act was passed requiring the collection of \$3,000,000.00. There were then eighteen States, and the amount apportioned to Virginia, was \$369,018.44. Of the counties now embraced in West Virginia, sixteen then had an

existence, and each paid as follows: Monroe county, \$1,030.50; Greenbrier, \$1,650.44; Kanawha, \$2,167.50; Cabell, \$1,546.50; Mason, \$1,130.50; Randolph, \$5,465.50; Harrison, \$2,672.50; Wood, \$1,338.50; Monongalia, \$2,992.50; Ohio, \$1,907.50; Brooke, \$1,195.50; Pendleton, \$1,428.50; Hardy, \$2,126.50;

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\*Dr. Jesse Bennett was born near Philadelphia, July 10th, 1769. After completing his medical studies, he removed West and settled on the Ohio river, six miles above the mouth of the Great Kanawha. Upon the organization of Mason county, in 1804, he was made Colonel Commandant, and as such was the custodian of the military stores belonging to the county. The same year he was visited by Harman Blennerhassett, who tried to induce him to join in the wild and visionary scheme in which he and Burr were then engaged. Bennett refused, but, fearing that the guns in his possession might be taken by force, he had them buried on Six-Mile inland until the danger was past. Dr. Bennett represented Mason county in the Virginia Assembly of 1808-9, and was surgeon of Colonel Dudley Evans' 2d Virginia Regiment, in the War of 1812. He died July 18th, 1842.

Hampshire, \$3,795.50; Berkeley, \$6.147.22; Jefferson, \$6,876.28—a total of \$43,469.94, which the pioneer settlers paid to assist in securing the rights of Americans upon the high seas.

4. **First Newspapers in West Virginia.**—The first newspaper published in West Virginia was *The Potomac Guardian and Berkeley Advertiser*, founded at Martinsburg in 1789 by Dr. Thomas Henry, a physician of Berkeley county. The second was the *Martinsburg Gazette*, established by Nathaniel Willis in 1789. The third was the Berkeley and Jefferson county *Intelligencer and Northern Neck Advertiser*, which was established in the year 1800, John Alburtis being the publisher. The first newspaper printed in Wheeling was the *Repository*, which made its appearance in 1807. Following closely after it were the *Times*, *Gazette*, *Telegraph* and *Virginian*. In 1808, *The Farmer's Repository*, published at Charlestown, Jefferson county, made its appearance. The first newspaper published at Charleston, the present Capital of the State, was the *Kanawha Patriot*, published by Herbert P. Gaines in 1819.

5. **The Founding of Lewisburg Academy.**—This was the most important school in the early history of the State. Its founder was Reverend John McElhenney, who was one worthy of the institution and the institution was one worthy of such a founder. He came as a minister to Greenbrier county in 1808, and the same year he opened a classical school which he continued and which four years later, developed into the Lewisburg Academy, which was incorporated by Act

of the Assembly in 1812. Dr. McElhenney continued as president of the school until 1824, and was president of the Board of Trustees from 1812, to 1860—a period of forty-eight years. From its walls went forth legislators, great debaters and scientists, to become active characters in establishing western commonwealths.



REV. JOHN M'ELHENNEY.\*

**6. Establishment of the Linsly Institute.**—The establishment of this institution at Wheeling dates back to the year 1814. Its founder was Noah Linsly, who was born in Bradford, Connecticut, in 1772. He was a graduate of Yale College and in 1798, came to Morgantown, then in Virginia, where he spent two years and then removed to Wheeling, where he died of hemorrhage of the lungs in 1814. In his will he made provision for the establishment of a school, to be free to such white children as the trustees might deem worthy. Samuel Sprigg and Noah Zane were named as executors of the will and they hastened to apply to the Virginia Assembly for a charter for the school. This was granted and the school put in operation. It still continues its usefulness.

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\* Reverend John McElhenney was born in South Carolina in 1781, and was educated at Liberty Hall Academy, now Washington and Lee University, Virginia. Entering the ministry, he came to Lewisburg and began a pastorate which continued more than sixty years. In 1808, he founded the Lewisburg Academy. He died January 2d, 1871, in the ninety-first year of his age.

**7. The National Road.**—Virginia led in the work of constructing roads over the Alleghany mountains, and in the year 1802, the State began the construction of a road from the mouth of George's Creek to the nearest western navigation. But before its completion the National Government began the construction of the most important highway ever made on the Continent. It began at Cumberland, Maryland, in 1808, and the last appropriation was made in 1844, to complete the survey of the route to Jefferson City, Missouri. The total cost of this great thoroughfare was \$6,824,919.33.

**8. Completion of the Road to Wheeling.**—Ten years passed away after work begun at Cumberland, before the road was opened to Wheeling. The road when opened to the Ohio River at once became a great commercial, military and national highway. In a speech delivered in Congress in 1832, it was stated that: "In the year 1822 a single house in the town of Wheeling unloaded 1,081 wagons averaging about 3,500 pounds each and paid for the carriage of the goods \$90,000. At that time there were five other commission houses in the same place, and estimating that each of these received two-thirds the amount of goods consigned to the first, there must have been nearly five thousand wagons unloaded and nearly \$400,000 paid as cost for transportation." There were no railroads at that time and the National Pike was for years the only thoroughfare connecting the East with the West. It was the most important road ever built by the National Government.

**9. Road Making early in the Century.**—In the first decade of the present century many roads were constructed in the territory now embraced in the State. Among these were the following: from Morgantown to the mouth of Grave Creek—now Moundsville; from Dunlap's Creek on James River to Morris, —now Brownstown on the Great Kanawha; from the mouth of Elk river—now Charleston—down that stream to the Ohio river—now Point Pleasant; from Lewisburg in Greenbrier county to the Falls of the Great Kanawha. Thus were the highways of civilized men rapidly extended through the wilderness.

**10. The Greenbrier White Sulphur Springs.**—This is the most celebrated summer resort in the South-



SCENE AT WHITE SULPHUR SPRINGS.

ern States. The land on which it is situated was patented by Nathaniel Carpenter, who reared his cabin near the Spring and removed his family to it in 1774.

Soon after the Indians murdered all the family, except Kate, the mother, and an infant with which she escaped to a high mountain where she lay concealed until the Indians were



THE WHITE SULPHUR SPRING.

gone and then made her way to Staunton to tell of the sad fate of her family. "Kate's Mountain" will ever be an object of interest to those who visit White Sulphur Springs. William Hern-

don was the first to make it a place of resort, but in 1818, James Caldwell became the owner of the property and with that year begins the history of the Springs as a national resort. Both Nature and Art have done much to render it an enchanted spot. The fountain is crowned with a stately Doric dome, supported by twelve large pillars, the whole surmounted by a colossal statue of Hygeia looking toward the rising sun.

#### 11. Steam Navigation on the Great Kanawha.—

In the year 1819—the same in which the first steamship crossed the Atlantic Ocean—a steamboat called the "Robert Thompson" ascended the Great Kanawha for the purpose of ascertaining whether it was navigable to Charleston. The voyage continued as far as Red House Shoals, where two days were spent in a vain effort to pass the rapids, and the boat returned to the Ohio; the officers reported to the Virginia Assembly the result of the experimental voyage, and that

body in 1820, made the first appropriation for the improvement of the river.

**12. Towns Established in West Virginia From 1800 to 1825.**—The Assembly increased the number of towns west of the mountains as rapidly as the increasing population demanded. Elizabethtown, laid out by Joseph Tomlinson at the mouth of Grave Creek in 1803, was named for his wife; Guyandotte in Cabell county, and Middlebourne in Tyler county were both laid out in 1810; Kingwood in Preston county was made a town in 1811, and became the county seat in 1818; Barboursville in Cabell county, was established in 1813; Bridgeport, at Simpson's Creek bridge, in Harrison county, and Buckhannon now in Upshur county, became towns in 1816; Weston, in Lewis county, was established under the name of Preston in 1818, but the name was changed to Fleshersville and finally to Weston in 1819; Summersville in Nicholas county, and Fairmont, then called Middletown, now in Marion county, were made towns in 1820; Huntersville Pocahontas county, began its legal existence in 1821, and Harrisville, then in Wood, but now in Ritchie county, was established a town in 1822.

**13. Doddridge's History of the Indian Wars.**—In 1824, Rev. Joseph Doddridge\* published a book at

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\*Rev. Joseph Doddridge, author and minister, was born October 14th, 1769, in Friend's Cove, Bedford county, Pennsylvania, and when but four years of age removed with his parents to a cabin home near the Western Pennsylvania line; and from there, later in life, to Brooke county, Virginia. He was sent to school in Maryland, where he received an excellent English education,

Wellsburg, entitled "Notes on the Settlement and Indian Wars of the Western Parts of Virginia and Pennsylvania from 1763 to 1783, Inclusive." It was the first work published which gave a view of the state of society, manners and customs of the first settlers of the Western country. It has been widely read, and it must form the basis of the intelligent study of Western annals, for without a knowledge of the character of the people who made pioneer history, it will be impossible to understand it properly, and without this correct understanding, an attempt to study our National History will result largely in failure.

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and later was a student in Jefferson Academy at Cannonsburg, Pennsylvania. Entering the ministry, he became pastor of three churches in what is now West Virginia, viz.: one at West Liberty, Ohio county, and St. John's and St. Paul's in Brooke county. Dr. Doddridge died at Wellsburg, Brooke county, November 9th, 1826. He was one of the most scholarly men whose name appears in the early history of West Virginia.

## CHAPTER XIV.

### CONSTITUTIONAL CHANGES AND OTHER EVENTS.

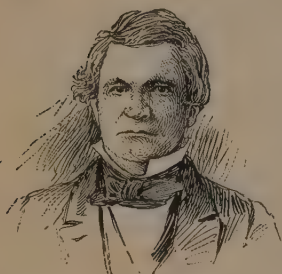
From 1825 to 1842.

**1. The First Constitution of Virginia.**—In the year 1776 Virginia framed and adopted a Constitution by which the people were governed for more than fifty years. It was the first document of the kind framed by an American State, and, prepared without a precedent, it was but natural that in it there should be some imperfections. Among these, the most important were the unequal representation of the counties and the limitation of suffrage to freeholders. The latter was imposed upon the colony in 1677 by royal instruction from King Charles II. to the Governor of Virginia “to take care that the members of the Assembly be elected only by freeholders, as being more agreeable to the customs of England,” to which he might have added, “and more agreeable to monarchical institutions.”

**2. Dissatisfaction in What is Now West Virginia.**—The increase of population and the organization of counties west of the Blue Ridge, by the year 1825, made the unequal representation of the several counties of the State more apparent; for, while each of a number of these western counties paid into the State treasury many times more than some

of the eastern counties, yet the representation of each on the floor of the General Assembly was the same. It was asserted that it was taxation without representation, and great dissatisfaction was developed among the men who were felling the forests on the western slope of the Alleghanies and in the valleys toward the Ohio.

**3. A Constitutional Convention.**—There was a popular demand for a Constitutional Convention, and the Assembly, in 1827-8, passed an act providing



JUDGE EDWIN S. DUNCAN.\*

that a vote should be taken upon the question. This resulted in a large majority in favor of the Convention, and that body assembled in Richmond October 5th, 1829. It was the most remarkable body of men that had assembled in Virginia since that which ratified the Federal Constitution in 1788. There sat James Madison and James Monroe, ex-Presidents of the United States; John Randolph

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\*Judge Edwin S. Duncan, the member from Harrison county, was born in Shenandoah county, Virginia, in the year 1790. He came to Randolph county in 1810, and was soon after elected to the House of Delegates. He served as chief staff officer in Colonel Booth's Virginia Regiment during the second war with Great Britain. In 1816 he removed to Harrison county. He was prosecuting attorney of Lewis county in 1816, a member of the State Senate in 1820; appointed United States District Attorney for the Western District of Virginia in 1824; was a member of the Constitutional Convention of 1829-30; was elected a Judge of the General Court of Virginia and of the

of Roanoke, and many others renowned for their wisdom and eloquence. The body was composed of ninety-six members.\* At length the work of the Convention was done, but it did not meet the expectations of the people west of the mountains, who had hoped to secure an extension of the right of suffrage and a more equable basis of representation.

**4. Chronicles of Border Warfare.**—One of the most valuable works relating to the history of West Virginia was that known as "Chronicles of Border Warfare," written by Alexander Withers and published by Joseph Israel at Clarksburg in 1831. The work has been very scarce for years, but has been reprinted recently. It contains a vast fund of information pertaining to the Indian wars in West Virginia, and of the trials, privations, and hardships to which our pioneer settlers were subjected.

**5. The History of the Valley.**—In 1833 there was printed at Winchester, Virginia, a work having the

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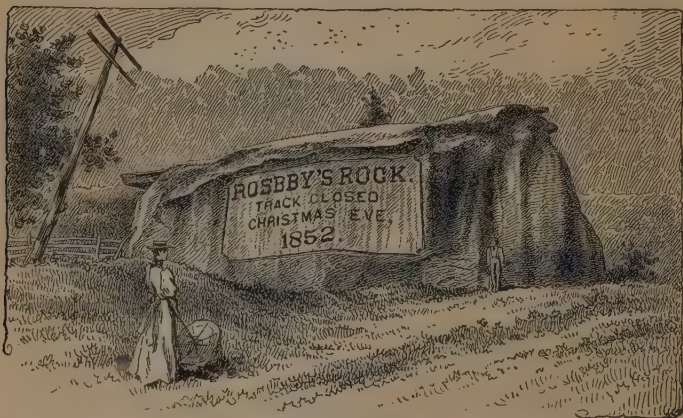
Eighteenth Circuit in 1831; was appointed by the Governor to represent Virginia at the World's Fair in London, England, in 1851; and after his return from this service he retired to private life. He died February 4th, 1858.

\*Of the whole number of members, eighteen were from the territory now embraced within the limits of West Virginia. These were: William McCoy, of Pendleton county; Andrew Beirne, of Monroe; William Smith, of Greenbrier; John Baxter, of Pocahontas; Thomas Griggs, Jr., and Hierome L. Opie, of Jefferson; William Naylor and William Donaldson, of Hampshire; Elisha Boyd and Philip Pendleton, of Berkeley; Edwin S. Duncan, of Harrison; John Laidley, of Cabell; Lewis Summers, of Kanawha; Adam See, of Randolph; Philip Doddridge and Alexander Campbell, of Brooke, and Charles S. Morgan and Eugenius M. Wilson, of Monongalia.

title of the "History of the Valley," by Samuel Kercheval, and to it we are indebted for much of our knowledge of the early history of the Eastern Panhandle and of the South Branch Valley. The work is now very rare, although it was reprinted in 1851 at Woodstock, in the Shenandoah Valley. Historians place a very high value on it.

**6. The First Railroad in West Virginia.**—The first stone laid in the construction of the Baltimore & Ohio Railroad was put in place on July 4th, 1828, by Charles Carroll, of Carrollton, then the only survivor of the signers of the Declaration of Independence. From that time onward the work was prosecuted vigorously, until, on the first day of December, 1834, the road was opened to Harper's Ferry, eighty-one miles distant from Baltimore.

**7. Over the Mountains to the Ohio River.**—On November 5th, 1842, the whistle of the locomotive



ROSBY'S ROCK, SEVEN MILES EAST OF MOUNDSVILLE.

was heard for the first time at Cumberland City, in Western Maryland. Then work began on both sides of the mountains. The construction of the road was at that time the greatest triumph of engineering skill that had been witnessed in this or any other country. December 24th, 1852, the last spike was driven, and on the evening of January 1st, 1853, the President of the road with his guests from the city of Baltimore and the States of Maryland and Virginia, stood on the banks of the Ohio river at Wheeling, having been carried thither by the first through train from the Atlantic ocean to the Ohio river. The construction of the road from Grafton to the Ohio at Parkersburg was commenced late in December, 1852, and opened to Parkersburg May 1st, 1857. Such were the first railroads constructed in West Virginia.

**8. The Maryland - Virginia Boundary.**—Some years after the planting of the Fairfax Stone, Maryland claimed that it should have been located at the first fountain of the South Branch of the Potomac, instead of at that at the North Branch, and as early as 1753, Horatio Sharpe, governor of that Colony, sent Thomas Cresap, the most prominent man in Western Maryland, to make a map of the region drained by the upper branches of the Potomac.

**9. Virginia Prepares to Make a Defense.**—Through all the years from 1753 to 1830, Maryland continued to urge that the southwest corner of that State should be at the first fountain of the South Branch, and, in the last-named year, Governor Floyd of Virginia appointed Charles J. Faulkner, Sr., of

Martinsburg, to embody testimony on the part of Virginia. This he did, and his report, completed in 1832, stayed for a time the controversy which, however, has been revived recently.

#### **10. Construction of the Chesapeake & Ohio Canal.**

—This canal, though no part of it was in West Virginia, yet exerted a great influence upon the trade of the eastern part of the State. May 29th, 1828, Congress appropriated \$1,000,000 towards the construction of the canal. Hundreds of laborers were employed for a number of years, and the great waterway from the mountains at Cumberland, to Alexandria, below Washington City, was formally opened for traffic, October 10th, 1850.

#### **11. Rioting on the Chesapeake & Ohio Canal.—**

In 1838, the laborers on the Chesapeake & Ohio Canal quit work and in a body nearly a thousand strong, marched from Hancock and intermediate points toward Old Town, on the borders of Hampshire and Morgan counties, terrorizing the inhabitants. They crossed into what is now West Virginia, and A. W. McDonald, David Gibson and twenty-five other inhabitants of Hampshire county, addressed a communication from Romney to the governor asking for arms for the defense of the people of that county and of the adjoining county of Morgan. Gov. David Campbell hastened to comply and, January 6th, 1838, ordered 200 stand of arms to be sent to Hampshire for the use of the 77th Regiment, and 100 stand to be sent to Morgan for the use of the 89th Regiment. This was the first riot of any character within the limits of West Virginia.

**12. The First Steamboats on the Little Kanawha River.**—The first steamboat on the Little Kanawha river, that reached the town of Elizabeth, was the "Sciota Belle" in the year 1842. This boat was built at Parkersburg and only made one voyage on the Little Kanawha when it was taken to the Muskingum river for the trade for which it had been built. The second steamer to reach Elizabeth was the "Lodi" in 1847.

*here* CHAPTER XV.

JURISDICTION OVER THE OHIO: CONSTITUTIONAL  
CONVENTION: INSURRECTION AT HARPER'S FERRY.

From 1842 to 1860.

**1. Founding of Bethany College.**—Bethany College at Bethany in Brooke county, was founded in 1841, in which year the first building was erected. The founder was Alexander Campbell, who regarded



ALEXANDER CAMPBELL.\*

the establishment of the college as the consummation of all his earthly projects. The village of Bethany was chosen as the location of the institution because it was believed that no healthier soil, purer air or lovelier scenery could be found in the United States. The college continued to prosper and the roll of graduates contains the names of men of

pre-eminent ability and scholarship—men who are performing a faithful part in the world's work.

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\* Alexander Campbell, the founder of Bethany College, was born in County Antrim, Ireland, September 12th, 1786, and came to the United States in October, 1809. A noted theologian, his labors were devoted to the restoration of primitive Christianity. In 1818, he opened in his own house a school for both sexes—known

**2. Little Levels Academy.**—This institution was established in Pocahontas county, in 1842, under a charter granted by the State of Virginia. The first principal was Reverend Joseph Brown, who served in that capacity for seven years. He was succeeded by Reverend M. D. Dunlap, who remained at the head of the institution for eleven years, or until the war began and the school closed. In 1865, the county purchased the building, since which time it has been used for public school purposes. This was the first school of high order in the county and notwithstanding the short period of its existence, it left its impression on the educational interests of this section of the State.

**3. A Valuable Historical Work.**—In 1845, Henry Howe published his "Historical Collections of Virginia." It was printed at Charleston, South Carolina, and was the most valuable work ever issued treating of the history of Virginia. Its author was born in New Haven, Connecticut, in 1816, and coming to Virginia, he traversed almost the entire State, visiting nearly every county then existing and now embraced in West Virginia. He collected a vast amount of valuable matter, much of which would have perished had he not rescued it at the time of

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as Buffalo Academy. In 1830, he, with Philip Doddridge, represented Brooke county in the Constitutional Convention of Virginia, and ten years later he saw the fulfillment of a long cherished hope—the founding of Bethany College. His life was filled with arduous and varied labors. He taught, traveled and preached at home and abroad, and wrote early and late. He died in 1866, aged eighty years.

his tour over the State. The author died at Columbus, Ohio, in 1893.

**4. West Virginians in the Mexican War.**—When the war with Mexico came in 1846, Virginia was ready, and under the "Ten Regiment Act" of Congress a company was enlisted in the counties bordering on the Ohio, which rendezvoused at Guyandotte in Cabell county, whence it proceeded to Newport Barracks where it was mustered into service and attached to the Eleventh United States Infantry, Colonel Ramsey, commanding. Proceeding to New Orleans, the company landed with General Scott at Vera Cruz and marched to the City of Mexico.

**5. United States Senator, Isaac Pennybacker,**

**dies at Washington.**—January 12th, 1847, Isaac Pennybacker, member of the United States Senate, died at Washington. He was born in Shenandoah county, Virginia, September 3d, 1805, and having studied law, he came to Franklin, the county-seat of Pendleton, now in West Virginia, where he practiced his



ISAAC PENNYBACKER.

profession. In 1840, President Van Buren appointed him judge of the United States Court for the district west of the Alleghany mountains in the State of Virginia, he having previously removed to Harrisonburg in the Shenandoah Valley. December 3d, 1845, he received his certificate of election by the Assembly of

Virginia, to a seat in the United States Senate, in which position he was serving at the time of his death.

**6. The Founding of Mount De Chantal Female College.**—This institution was founded in 1848, by Rev. Richard Vincent Whelan. The present site of



REV. R. V. WHELAN.\*

the institution was selected in 1865, and under the direction of the founder the buildings were erected, they having been designed by Bartberger, an architect of Pittsburg. They stand on an eminence, distant two miles from Wheeling, from which is presented a view of the valley of Wheeling creek, which is skirted on all sides by lofty hills.

**7. West Virginia's Claim to the Jurisdiction of the Ohio River.**—In 1784, Virginia ceded to the General Government all the title and claim which the State possessed to the territory northwest of the Ohio river, but this did not include the river named. For many years after the admission of Ohio into the Union in 1803, the jurisdiction over that river was a matter of dispute, and varied were the opinions of eminent lawyers concerning it.

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\* Rev. Richard Vincent Whelan was born in Baltimore, Maryland, in the year 1809; attended college at Emmettsburg, in the same State, and afterward studied in the schools of philosophy and theology, in Paris, France. Entered the ministry at Martinsburg—now West Virginia—and became Bishop of Richmond, in 1841, and of Wheeling in 1850. He was active in every work of education, and Mount De Chantal College is a monument to his memory. He died at Wheeling July 7th, 1874.

**8. Appointment of Commissioners.**—In order that an equitable and satisfactory solution of the vexed question might be reached, the two States of Ohio and Virginia, in 1847 appointed a Commission consisting of three members from each, the duty of which was “to settle all questions of boundary between the two States.” Those appointed by Ohio were Thomas Ewing, John Brough and James Collier; those named by Virginia were William C. Rives, William Greene and George W. Thompson.

**9. Meeting of the Commissioners.**—These gentlemen met in the City of Washington in the early part of January, 1848, and adjourned on the 26th of the same month without having agreed upon terms of adjustment. West Virginia now stands in the place of Virginia as to all questions depending upon the validity of Virginia's titles, and involving the jurisdiction of more than two hundred miles of the course of the Ohio river.



GEORGE W. THOMPSON.\*

George W. Thompson, the last-named commissioner

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\*George W. Thompson was born in Ohio county, now in West Virginia, May 14th, 1806, and was educated at Jefferson College, Cannonsburg, Pennsylvania, from which institution he was graduated in 1824. He studied law at St. Clairsville, Ohio. In 1837 he became a resident of Wheeling, of which city he was appointed postmaster in 1838. In 1844, President Polk appointed him United States District Attorney for the Western District of Virginia, which position he filled for four years. In 1851 he was chosen to Congress from the Wheeling District and while occupy-

on the part of Virginia, made a thorough and extended examination of the subject and the result of his researches has been published.

**10. Buffalo Academy.**—Buffalo Academy was established by a joint stock company in 1849, at Buffalo, Putnam county, the oldest town on the Great Kanawha river between Charleston and Point Pleasant. The first principal was George Rosetter, A.M., afterwards of Marietta College, Ohio. It continued to be a flourishing institution until after the beginning of the Civil War, when it was occupied alternately as a barracks by the soldiers of the Federal and Confederate armies, and during that time all the furniture and apparatus were destroyed. After the war the property was deeded to the Board of Education of Buffalo district for public school purposes.

**11. The Center of Population.**—For five decades the Center of Population of the United States was in West Virginia. In 1810 it was at Harper's Ferry, in Jefferson county; in 1820 it was near Wardensville, in Hardy county; in 1830 it had moved westward and rested on Canaan Mountain, in Tucker county; in 1840 it had moved still farther west and was situated in Harrison county, about ten miles nearly due south from Clarksburg; in 1850 it had again changed its position and was located on the south bank of the Little Kanawha river in Wood county; but when an-

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ing a seat in that body, he was elected Judge of the Circuit Court. In 1861 he retired to private life and devoted himself to literary pursuits. Among his published works are "The Living Forces," and "The Administration of Good and Evil." He died at his home near Wheeling, February 24th, 1888.

other decade had passed away, this point had moved beyond the western limit of our State, and was situated about twenty miles north of Portsmouth, Ohio.

**12. The Virginia Constitutional Convention of 1850.**—The dissatisfaction of the people with the provisions of the Constitution which had been framed in 1829-30, continued to increase, especially in the counties then existing and now comprised within West Virginia. In compliance with the popular demand, the General Assembly, on the 9th of March, 1850, passed an act providing for submitting to the people the question of calling a Convention to revise the Constitution. The vote in the following April resulted in favor of the Convention and the election of delegates took place in August ensuing.

**13. The Work of the Convention.**—The Convention assembled on the 14th of October, 1850. The counties west of the mountains sent their best men to occupy seats in that august body, which contained some of the best minds of Virginia. After an extended session the work was done and it brought a redress of many grievances. The Right of Suffrage was extended, taxation was rendered more equitable, and the basis of representation was so re-



JOSEPH JOHNSON.\*

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\*Joseph Johnson, the only man ever chosen to fill the gubernatorial chair of Virginia from the west side of the Alleghany

modeled as to secure to the western part of the State more nearly equal representation in the halls of legislation, and it now seemed that harmony would henceforth exist between the eastern and western parts of the State. The office of Governor, which had been previously elective by the Assembly, was now made elective by the people and at the first State election after the adoption of the constitution, Joseph Johnson, of Harrison county, was elected Governor. He was the only person ever chosen from that part of the State west of the mountains to fill that high office in Virginia.

**14. Navigation on the Monongahela River.**—The Virginia Assembly, in 1793, passed an act for the clearing and extending of navigation on the Monongahela and West Fork rivers. Before the year 1820, several steamers had ascended the Monongahela some distance but the first to reach Morgantown was the

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Mountains, was born December 10th, 1785, in Orange county, New York. The father died when Joseph was but five years of age and in 1801, the mother, with her fatherless children, came to Bridgeport, Harrison county, now in West Virginia, where Joseph engaged in farm labor. He was a student, availing himself of every opportunity for self-improvement; he read every book that came into his hands, and attended the rude schools of that day. He served as a soldier in the War of 1812, and was elected a member of the Assembly in 1815. In 1823 he was chosen a member of Congress, and re-elected for different terms between that date and 1850. In that year he was elected a member of the Constitutional Convention and while serving therein was elected Governor by the General Assembly. The new Constitution made the office of Governor elective by the people and he was by them elected to that office in 1852. He died at his home at Bridgeport, February 27th, 1877, in the ninety-second year of his age.

"Reindeer," on Sunday, April 29th, 1826. The first steamboat that reached Fairmont was the "Globe," on the 11th day of February, 1850, and its appearance at the place created great excitement among the people. In 1852 the steamer, "Thomas P. Ray," made frequent trips on the river but navigation was not firmly established until the Federal Government completed the system of locks and dams which now insures navigation throughout the year as far up as Morgantown.

15. **Two Valuable Books Added to Pioneer Literature.**—In the year 1851, Wills de Hass published at Wheeling, a book of several hundred pages entitled "History of the Early Settlements and Indian Wars of Western Virginia, Previous to 1795." This book contained several valuable documents pertaining to the French occupancy of the Ohio Valley. In addition to the historical text, there were a number of biographical sketches of distinguished frontiersmen. In 1859 J. G. Jacob published at Wellsburg, the "Life and Times of Patrick Gass," to which he added much valuable matter concerning the early history of West Virginia.

16. **Insurrection at Harper's Ferry.**—The intelligence that went out from Harper's Ferry on October 17th, 1859, sent a thrill of terror through Virginia and astounded the whole Nation. A few months previous to this, John Brown and his two sons, Oliver and Watson, having assumed the name of Anderson, leased a farm in Maryland a few miles from Harper's Ferry, the site of the United States Armory. Arms

and ammunition were received at the farm and a force of twenty-two associates—seventeen whites and five colored—was collected.

**17. The Attack upon the Town.**—At ten o'clock on the evening of October 16th, 1859, William Williamson, a guard on the bridge spanning the Potomac river at Harper's Ferry, was seized and made prisoner. The guard thus removed, Brown and his men quietly took possession of the armory buildings in which were stored a large quantity of arms and ammunition, and hither a number of people living in the vicinity were brought and confined as prisoners.

**18. State Troops on the Scene.**—At daylight next morning messengers were sent to the neighboring towns and by noon military companies began to arrive. The first to reach the scene was from Charles Town, the county-seat of Jefferson. Then came two companies from Martinsburg and the Arsenal was stormed and a desultory discharge of guns kept up until nightfall, when five persons had been killed by the fire of the insurgents, while three of their number lay dead within the arsenal.

**19. United States Troops Arrive.**—Late on the evening of the 17th, messengers bore dispatches beyond the damage to the wires, which Brown had taken the precaution to have cut, and transmitted them to Baltimore, Washington, Richmond and other places, at all of which the telegrams produced the wildest excitement. Colonel Robert E. Lee—afterward General Lee—with one hundred United States Marines, was dispatched from Washington to the scene of

action. Upon his arrival he sent Lieutenant J. E. B. Stewart to demand an immediate surrender. With this demand the insurgents refused to comply and an attack was at once made upon the building, which resulted in the capture of Brown and several of his followers, all of whom were forced to surrender at the point of the bayonet.

**20. Trial and Execution.**—Brown was so severely wounded that it was thought he could not live, but he



ANDREW HUNTER.\*

grew better after receiving medical aid. An indictment for treason and murder was found against him, and his trial began at Charles Town on October 26th. The Governor appointed Judge Andrew Hunter to assist Charles W. Harding in the prosecution, and Judge Parker named George Lamont and Lawson

Botts as counsel for the de-

fense. Brown was found guilty, condemned and executed December 2nd, 1859. Six of his companions were also executed; four on the 16th ensuing, and two on March 16th, 1860.

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\*Andrew Hunter, whom Governor Wise appointed to assist in the prosecution of John Brown and his associates, was an eminent lawyer of Charles Town, now West Virginia. He was born at Martinsburg, Berkeley county, in the year 1804, and died in 1888.

## CHAPTER XVI.

### DIVISION OF VIRGINIA: FORMATION OF WEST VIRGINIA.

From 1860 to 1861.

**1. Period of the Civil War.**—In the year 1860 the Civil War was near at hand. It was the greatest war in the history of nations, but in a work of this character, its records have no place; for they belong to national history rather than to that of any particular State. Beyond the effect which the struggle produced upon its local institutions, therefore, the student of national history will find therein recorded the causes, operations and results of the Civil War, and he must make it his chief source for information pertaining to the war between the States.

**2. Session of the Virginia Assembly.**—The summer of 1860 found Virginia in a state of great excitement. In the autumn of that year, Governor John Letcher issued a proclamation convening the Assembly in extra session and that body assembled in the State House at Richmond, January 7th, 1861. Seven days later a bill was passed providing for a convention of the people of Virginia, the delegates thereto to be chosen in the manner prescribed for the election of members of the Assembly. The law provided that the action of the Convention should be submitted to the people for ratification or rejection.

**3. The State Convention.**—The Convention was to be composed of one hundred and fifty-two members. They were elected by the people on February 4th, 1861, and the body convened at Richmond on the 13th of the same month. John Janney, of Loudoun county, was chosen President and John L. Eubank, of the City of Richmond, Secretary. Debate continued from the date of organization until Wednesday, April 17th, when an Ordinance of Secession was adopted by a vote of eighty-eight yeas to fifty-five nays. Of the forty-six delegates from the territory now in West Virginia, twenty-nine voted against it, nine for it, seven were absent and one was excused from voting. The Document declared: "That the Ordinance adopted by the people of this State in Convention on the 25th day of June, in the year one thousand seven hundred and eighty-eight, whereby the Constitution of the United States was ratified . . . is hereby repealed . . . and we do further declare that said Constitution of the United States of America is no longer binding on any of the citizens of this State."

**4. Action in the Western Part of the State.**—A large majority of the people in the western part of the State were alarmed because of the action of the Convention. Their representatives returned home and gave detailed accounts of the proceedings. War seemed inevitable, and on April 21st, military companies began to form in the city of Wheeling. This resulted in a regimental organization on the 27th of the same month.

**5. The Clarksburg Convention.**—The first call for united action came from Clarksburg—the birth-place of Stonewall Jackson. Here on April 22d, 1861, nearly twelve hundred citizens of Harrison county assembled and elected John Hursey, President, and John W. Harris, Secretary. A resolution was adopted recommending to the people composing Northwestern Virginia, the appointment of delegates to meet in convention at Wheeling on May 13th, 1861.

**6. The First Wheeling Convention.**—In compliance with the recommendations of the Clarksburg Convention, twenty-four counties\* in the western and northwestern part of the State, chose representatives who proceeded to Wheeling and assembled in convention in Washington Hall in that city, May 13th, 1861. The Convention effected a permanent organization by electing John W. Moss, of Wood county, President, and Charles B. Waggener, of Mason county, Marshall M. Dent, of Monongalia, and J. Chandler, of Ohio county, as Secretaries.

**7 The Convention Divided.**—Sentiment was divided. Some of the members insisted upon taking such action as would result in the immediate formation of a New State. They were determined at once to adopt a Constitution, form a government for the counties represented, declare all State offices vacant, and fill the same by appointment. But this plan was opposed

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\*The counties represented were: Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Harrison, Pleasants, Wood, Monongalia, Preston, Jackson, Marion, Mason, Upshur, Wirt, Ritchie, Hampshire, Barbour, Doddridge, Berkeley, Roane, Lewis, Taylor and Wayne.

by many members of the Convention. Virginia, they argued, still had a government recognized by the Constitution of the United States, and that the Federal Government would not recognize a State thus formed in direct violation of the National Constitution.

**8. Another Convention.**—The debate continued until late in the evening of the third day, when a report, which was a skillful blending of all opinions, was adopted. By it the people of the counties there represented, and all others disposed to do so, were requested to elect delegates on the 4th of June, 1861, to meet in a general convention on the 11th of the same month. Each county was authorized to appoint a number of delegates equal to twice the number of representatives in the next General Assembly, and Senators and Representatives to be elected on the ensuing fourth Thursday in May, were to be admitted to seats in the Convention.

**9. The Second Wheeling Convention.**—At length the time arrived, and what is known as the Second Wheeling Convention assembled in Washington Hall, June 11th, 1861. Delegates from thirty-two counties\* were present. Arthur I. Boreman of Wood county was chosen President, and Gibson L. Cranmer, Secretary. The ordinances of the Richmond Convention were declared to be null and void, and an imperative demand was made for the reorganization of the government of the Commonwealth.

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\* In addition to the counties represented in the first Convention, there were delegates from Cabell, Randolph, Alexandria, Fairfax, Hardy, Gilmer, Kanawha and Tucker.

### 10. Reorganization of the State Government.—

On June 14th, the Convention began the work of reorganizing the government of Virginia, and on the 19th ensuing, an Ordinance was adopted declaring that "a Governor, Lieutenant-Governor and an Attorney-General shall be appointed by this Convention; that the General Assembly shall be composed of the delegates elected members of that body on May 23d last, together with such senators and delegates as may be elected under the ordinances of this Convention, and the said Assembly shall meet in the City of Wheeling on the first day of July next."

### 11. Election of Officers of the Reorganized Government.—

On June 20th, the Convention elected Francis H. Pierpont, of Marion county, Governor of Virginia, with Daniel Polsley, of Mason county, as Lieutenant-Governor; James S. Wheat\*, of Ohio county, was chosen Attorney-General, and Peter G. Van Winkle, of Wood county, Daniel Lamb, of Ohio county, William Lazier, of Monongalia county, William A. Harrison, of Harrison county, and J. T. Paxton, of Ohio county, were elected members of the



DANIEL POLSLEY.†

\*James S. Wheat discharged the duties of Adjutant-General for a month, when Henry J. Samuels, of Cabell county, was appointed to that position, and occupied the same until the formation of the new State.

†Daniel Polsley, who was elected Lieutenant-Governor, was

Governor's Council. Another ordinance was adopted requiring the General Assembly, as soon as convenient, to elect an Auditor of Public accounts, a Treasurer and Secretary of the Commonwealth. When the convention had completed its work it adjourned to meet on the first Tuesday in August, following.

**12. Meeting of the General Assembly.**—Pursuant to the Ordinance of the Convention, pending for the reorganization of the State government, the General Assembly met on July 1st, 1861, in the custom house at Wheeling, in which the offices of the Governor and other State officials had been established. There were thirty-one members present. On July 9th, the body, by joint ballot, elected L. A. Hagans, of Preston county, Secretary of the Commonwealth; Samuel Crane, of Randolph, Auditor of Public Accounts, and Campbell Tarr, of Brooke county, Treasurer.

**13. Representation in Congress.**—At the general election, May 23d, 1861, three members of Congress were chosen as representatives of the region now composing West Virginia. Those were William G. Brown, Jacob B. Blair, and Kellian V. Whaley. The Assem-

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born at Palatine, Marion county, now West Virginia, November 3d, 1803. He studied law, and attended the law lectures of Judge Tucker at Winchester. Later he removed to Wellsburg, where he edited the "*Western Transcript*." In 1845, he removed to Mason county, and engaged in agriculture. He was a member of the first Wheeling Convention. He served two years as Lieutenant-Governor, and was then elected Judge of the Circuit Court. In 1866 he was chosen a member of Congress, and served one term. He died at Point Pleasant, October 14th, 1877.

bly, on July 9th, elected Waitman T. Willey, of Monongalia county, and John S. Carlile, of Harrison county, to be United States Senators, and they, with the Congressmen aforesaid, proceeded to Washington, where they were admitted to seats in the respective Houses as Senators and Representatives from Virginia.



WAITMAN T. WILLEY.\*

**14. Two Rival Governments.**—It was the first time in history that two rival governments existed on the soil of Virginia. One of these was the old State Government, the seat of which was at Richmond. The other was what was called the Reorganized Government, the seat of which was at Wheeling. Both governments collected taxes, and exercised authority in their respective jurisdictions.

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\*Waitman T. Willey was born in Monongalia county, now West Virginia, October 11th, 1811. He entered Madison College at Uniontown, Pennsylvania, from which he was graduated in 1831. He studied law and was admitted to the bar at Morgantown, 1833. For several years he was Clerk of the County Court and of the Circuit Superior Court, and was a member of the Constitutional Convention of 1850. He was a candidate for Lieutenant-Governor on the Whig ticket in 1859, a member of the Richmond Convention of 1861, and of both of the Wheeling Conventions. He was a United States Senator under the Reorganized Government, and also one of the first Senators from West Virginia. He was an able writer, his most important literary production being "The Life of Philip Doddridge," published in 1875. He died May 2, 1900.

## CHAPTER XVII.

### THE NEW STATE.

From August, 1861, to June, 1863.

**1. Reassembling of the Convention.**—The Convention reassembled at Wheeling on the date fixed at the time of adjournment, and fourteen days later passed an "Ordinance to Provide for the Formation of a New State out of a Portion of the Territory of this State." This Ordinance provided that the proposed State should be called "Kanawha"; the boundaries of the same were defined, and the action of the Convention was submitted to the people. The election was held on the fourth Thursday in October, 1861, and the returns showed that 18,408 votes were cast in favor of the new State and 781 against it.

**2. The Constitutional Convention.**—The Ordinance providing for an election to determine the question of a new State, required a vote to be taken at the time for members of a Constitutional Convention, if the majority of the votes cast should be in favor of the new State. These delegates were chosen, and the Convention, to prepare a constitution for the proposed State, met at Wheeling on November 26th, 1861. All of the counties then existing, and now included in West Virginia, were represented, except Monroe, Webster, Berkeley, Jefferson, Greenbrier, Pocahontas, and Calhoun. The permanent organization resulted in the election of John Hall, of Mason county,

as President, and Ellery R. Hall, of Taylor county, Secretary.

**3. The Name of the New State.**—The Constitutional Convention assembled to prepare a constitution for a State to be called Kanawha, but on December 3d that name was stricken out of the first section of the first article. Motions were made to fill the blank with "West Virginia," "Kanawha," "Western Virginia," "Alleghany," and "Augusta." When the vote was counted, it was found that "West Virginia" had received thirty votes; "Kanawha," nine votes; "Western Virginia," two votes; "Alleghany," two votes, and "Augusta," one vote. So the blank was filled by inserting "West Virginia." The Convention finished its work and adjourned on February 18th, 1862.

**4. Efforts to Secure the Admission of the State.**



FRANCIS H. PIERPONT.\*

—The election occurred at the specified time, and showed that the Constitution had been ratified by a large majority. Governor Pierpont now issued a proclamation announcing the result, and at the same time convening the General Assembly in extra session. That body met in the city of Wheeling, May 6th, 1862, and on the

12th of the same month, passed an act giving its con-

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\*Francis H. Pierpont was born in Monongalia county, now West Virginia, in 1814, and graduated from Allegheny College,

sent to the formation and erection of a new State within the jurisdiction of Virginia.

**5. At Washington City.**—The commissioners appointed to bring the question of the admission of the



JOHN S. CARLILE.\*

State before Congress, supplied with copies of the ratified Constitution, and the act of Assembly granting permission to create the State, hastened away to Washington City, where they arrived May 22d, 1862. Three days later, Senator Willey presented the matter in the United States Senate, and

it was referred to the Committee on Territories, of which John S. Carlile, the other Senator from Virginia, was a member. The bill to admit the State was reported June 23d, 1862. It was known as "Senate Bill No. 365."

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Pennsylvania, in 1840. Taught school in Mississippi, and was later admitted to the bar at Fairmont, this State, where he has continued to practice ever since. After serving the time for which the convention appointed him, he was elected Governor under the Reorganized Government, for the full term of four years. When West Virginia became a State, he removed the seat of government to Alexandria, where it remained until after the evacuation of Richmond, when he removed the seat of Government to that city. By his liberal administration, he greatly aided the people of Virginia. He died at Pittsburg, Pa., March 24, 1899.

\*John S. Carlile, who, with Waitman T. Willey, represented Virginia under the Reorganized Government in the United States Senate, was born at Winchester, Virginia, December 16th, 1817. He was admitted to the bar in 1840, and began to practice his profession at Beverly, Randolph county. He was elected a member

**6. The Passage of the Bill.**—The vote in the Senate on the final passage of the Bill, was twenty-three yeas and seventeen nays. In the House of Representatives the vote was ninety-six yeas and fifty-five nays. President Lincoln signed the Bill on December 31st, 1862, with the reservation that the clause in the Constitution of the State, should be changed, as required by the Act of Congress. President Hall again convened the Convention at Wheeling, on February 12th, 1863, and here made the required change, submitted it to the people, who a second time ratified the Constitution. The result was certified to the President, who issued his proclamation on April 20th, 1863. When, therefore, the sixty days expired—June 20th, 1863—West Virginia began her existence as a sovereign State of the Union.

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of the State Senate in 1847; was a member of the Constitutional Convention of 1850, and elected to a seat in Congress in 1855. He represented Harrison county in the Convention of 1861, which adopted the Ordinance of Secession. He sat in the first Wheeling Convention, and was elected to Congress in 1861, where he occupied a seat until elected to the United States Senate. At the close of his term, he retired to private life, and died at Clarksburg in 1878.

## CHAPTER XVIII.

### WEST VIRGINIA UNDER THE FIRST CONSTITUTION.

From June, 1863, to May, 1865.

**1. Election of New State Officials.**—On May 9th, preceding the expiration of the sixty days specified in the President's proclamation, a convention assembled at Parkersburg for the purpose of nominating officers for the new Commonwealth, and the following were named: For Governor, Arthur I. Boreman, of Wood county; for Auditor, Samuel Crane, of Randolph; for Treasurer, Campbell Tarr, of Brooke; for Secretary of State, J. Edgar Boyers, of Tyler; for Attorney-General, A. Bolten Caldwell, of Ohio county. All of these were elected without opposition on the fourth Thursday of the same month. Circuit Judges and county officials were elected on the same day.

**2. Beginning of the New State Government.**—The sixty days following the President's proclamation terminated on June 20th, 1863, and on that day the complete governmental organization was put into operation. There had arisen a New Dominion within the limits of the Old Dominion, and the two—the mother and daughter—were to reside upon the ancient estate.

**3. The Removal of the Capital of the Reorganized Government.**—On the fourth Thursday in

May—the day on which the new State officials were elected—Governor Pierpont, who had held his position previously by election by the second Wheeling Convention, was chosen Governor of Virginia for the term of four years, and thus he remained at the head of the Reorganized Government. Its authority had ceased in all the territory embraced in the new State of West Virginia, and the Governor removed the archives to Alexandria on the Potomac, where it continued to exercise authority. Thus there were three organized governments in Virginia, as it existed at the beginning of the war. At length the struggle ended, and on May 25th, 1865, the Reorganized Government was removed from Alexandria to Richmond and became the recognized authority throughout Virginia.

**4. How Berkeley and Jefferson Counties became a part of West Virginia.**—Berkeley and Jefferson counties were not included in West Virginia at the time of its admission into the Union. On January 31st, 1863, the Assembly, under the Reorganized Government, passed on an act for Berkeley, and on the ensuing 4th of March for Jefferson, providing that elections be held in each and, if a majority of the votes cast be in favor of becoming a part of West Virginia, then the chief executive of the Reorganized Government should certify the result to the Governor of West Virginia. This was done, and August 5th, 1863, the Legislature of West Virginia passed an act admitting Berkeley county, and by a similar enactment on November 2d following, Jefferson county was made a part of the new State.

**5. Virginia's Suit for the Recovery of these Counties.**—On December 8th, 1865, the Virginia Assembly, sitting at Richmond, repealed the act of 1863, by which the counties in question were transferred to West Virginia. Then the authorities of that State appealed to the 39th Congress, and March 2d, 1866, that body passed an act declaring these counties to be subject to the jurisdiction of the new State the same as if they had been a part of it at the time of its formation. Virginia then brought suit against West Virginia in the Supreme Court of the United States for the recovery of the counties. The case was argued at the December term of that tribunal in 1866, but no decision was reached, and it was not again called until December, 1870, when it was heard a second time and a decision rendered in favor of the defendant—West Virginia—three of the judges of the court dissenting. Thus was determined the area and boundaries of the new State as they have since existed.

**6. The Constitution of the New State.**—The Constitution of the New State, while similar to that of Virginia in some respects, differed widely from it in many of its provisions. The Governor was elected for a term of two years, as were the other State officers; the office of Secretary of State was an elective one. State Senators were elected for two years, while members of the House of Delegates were chosen for one; the legislative branch of the Government was denominated the Legislature instead of the General Assembly, as in Virginia, and the enacting clause was changed to comply therewith.

**7. Meeting of the First Legislature.**—The first session of the New State Legislature convened in the Linsly Institute in Wheeling, on the birthday of the State—June 20th, 1863—its members having been elected at the general election on the 23d day of May preceding. The Senate as then existing was composed of twenty-two members, only twenty of whom were present, there being no representatives from the district composed of Berkeley and Jefferson. In the House of Delegates there were fifty-one members present. John M. Phelps, of Mason county, was chosen President of the Senate, and Spicer Patrick, of Kanawha county, Speaker of the House. August 4th the Legislature proceeded to elect two United States Senators—the first to represent the State in that capacity. These were Waitman T. Willey, of Monongalia county and Peter G. Van Winkle, of Wood county.

**8. The State Seals.**—On the third day of the session a joint committee was appointed to devise and report suitable devices and inscriptions for the seals of the State. It consisted of Daniel D. T. Farnsworth, Edwin Maxwell and Greenbury Slack on the part of the Senate; and Peter G. Van Winkle, L. E. Davidson and William L. Crawford on the part of the House. On the 26th of September it made the following report, which was adopted:

*The Great Seal.*—The disc of the Great Seal to be two and one half inches in diameter. The obverse to bear the legend, "State of West Virginia," the Constitutional designation of our Republic, which, with

the motto "Montani semper liberi"—"Mountaineers always free"—is to be inserted in the circumference. In the center a rock with ivy, emblematic of stability and continuance, and on the face of the rock the inscription, "June 20th, 1863," the date of our foundation, as if graved with a pen of iron in the rock forever. On the right of the rock a farmer clothed in the traditional hunting shirt, peculiar to this region, his right arm resting on the plow handles, and his left supporting a woodman's axe, indicating that while our territory is partly cultivated, it is still in process of being cleared of the original forest. At his right hand a sheaf of wheat and a cornstalk; on the left of the rock, a miner, indicated by a pick-axe on his shoulder, with barrels and lumps of mineral at his feet: On his left an anvil, partly seen, on which rests a sledge hammer, typical of the mechanic arts, the whole indicating the principal pursuits and resources of the State. In front of the rock and the hunter, as if just laid down by the latter and ready to be resumed at a moment's notice, two hunters' rifles, crossed and surmounted at the place of contact by the Phrygian cap, or cap of liberty, indicating that our freedom and liberty were won and will be maintained by the force of arms.

*The Less Seal.*—The above to be also the legend, motto and device of the less seal, the disc of which should have a diameter of an inch and a half.

*The Reverse Side of the Great Seal.*—The Reverse of the Great Seal to be encircled by a wreath composed of laurel and oak leaves, emblematical of valor

and strength, with fruits and cereals, productions of our State. For device a landscape. In the distance, on the left of the disc, a wooded mountain, and on the right a cultivated slope with the log farm house peculiar to this region. On the side of the mountain a representation of the viaduct on the line of the Baltimore & Ohio railroad in Preston county, one of the great engineering triumphs of the age, with a train of cars about to pass over it. Near the center a factory, in front of which is a river with boats, on the bank and to the right of it nearer the foreground, a derrick and a shed, appertaining to the production of salt and petroleum. In the foreground a meadow with cattle and sheep feeding and reposing, the whole indicating the leading characteristics, productions and pursuits of the State at this time. Above the mountain, etc., the sun merging from the clouds, indicating that former obstacles to our prosperity are now disappearing. In the rays of the sun the motto "Libertas et Fidelitate"—Freedom and Loyalty—indicating that our liberty and independence are the result of faithfulness to the Declaration of Independence and the National Constitution.

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\*The Great and Less Seals are both kept in the Secretary of State's office to be used by him. The Great Seal is two and one-half inches in diameter, and is used on Proclamations of the Governor; requisitions on Governors of other states; and warrants of arrest of persons thereunder; on certificates of incorporation of all abstracts and copies of records in the office of the Governor. The Less Seal is one and one-half inches in diameter, and is used on all commissions—civil and military—emanating from the Governor's office.

**9. The Supreme Court of Appeals.**—On the fourth Thursday in May, 1863, the same day on which the New State officials were elected the Judges of the Supreme Court of Appeals—three in number as required by the Constitution—were chosen by a vote of the people. They were Ralph L. Berkshire, of Monongalia county; William A. Harrison, of Harrison county and James H. Brown, of Kanawha county. They met in Wheeling on the 9th day of July, 1863, and organized the highest tribunal of the State. Judge Harrison was chosen temporary president; lots were then cast and Berkshire drew the short term of four years; Brown that of eight years and Harrison that of twelve years. Judge Berkshire was then made permanent president and Sylvanus W. Hall was elected Clerk of the Court. This was the last branch of the Government and with its organization the whole—Executive, Legislative and Judicial—was complete.

**X 10. West Virginia in the Civil War.**—Owing to the geographical position and divided condition of her people, some of the stern realities of war were witnessed in West Virginia. Here was presented a condition of affairs only existing in the border states. It was that of thousands of brave and determined men hastening to the recruiting offices and enlisting in the ranks of the respective armies under the flag, emblem of the cause they believed to be just. From the territory now embraced within the State, thousands entered the Federal army and did valiant service on almost every battlefield of the war, while other thousands hastened

over the Blue Ridge, and added luster to the annals of the Confederate arms.

**11. Military Operations within the State.**—West Virginia was during the years of the Civil War, the scene of battle's stern array, and within the State were marshaled the contending hosts, and there was war all the way from the banks of the Shenandoah to those of the Ohio, and the sound of battle echoed and re-echoed among the hills and mountains. There were conflicts of arms in more than half the counties of the State, and with them, are connected the names of some of the great military chieftains of the war.

**12. West Virginians as Military Officials.**—West Virginians maintained in the Civil War the reputa-



THOMAS J. JACKSON.\*

tion for bravery and heroism which they had inherited from an ancestry famous in the Revolution and in the Border Wars. In the year 1860, the census showed that there was a population of 376,688 in the present limits of the State, from which more than thirty thousand men entered the armies of their choice and many won a high rank. Among West Virginians

reaching the rank of General in the Federal service,

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\*Thomas Jonathan Jackson—familiarily known as Stonewall Jackson—was a native of Harrison County—now West Virginia—born at Clarksburg, January 21st, 1824. His father died in 1827, and his mother in 1831; thus he was an orphan at the age of seven years. He went to reside with an uncle on a farm, distant eigh-

were Jesse Lee Reno,\* (p. 199) B. F. Kelly, Nathan Goff, Isaac H. Duval, J. A. J. Lightburn, T. M. Harris and David H. Strother. While of those attaining the same rank in the service of the Confederacy were Thomas J. Jackson, John Echols, Albert G. Jenkins and John McCausland.

**13. The Province of National History.**—The history of the Civil War is a part of the history of the Nation, and as such it must be studied by the students who would know of it. The movements within the State were but part of the plans which were to culminate elsewhere, or but details of great campaigns and they cannot be discussed here. But they may be studied in the records of the mighty struggle, for who now can recall the scenes being enacted within the confines of the State? A new generation has appeared, one that never witnessed the smoke of battle as it arose over this our now fair and peaceful domain.

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teen miles from Clarksburg, where he attended the schools of the vicinity. In 1844, he entered the Military Academy at West Point, from which he graduated four years later, with the rank of second lieutenant. The Mexican War was in progress, and he hastened away to that field of action. In the conquered city of Mexico, he received the rank of Major. Returning home he remained in the army until 1851, when he became Professor of Natural and Experimental Philosophy in the Virginia Military Institute at Lexington, where he was thus engaged at the beginning of the Civil War. He entered the Confederate service with the rank of Brigadier-General, and at once entered upon a most remarkable career, such a one as has rarely or never been surpassed. In less than two years he had risen to the highest rank—that of Lieutenant-General. He was mortally wounded at the Battle of Chancellorsville, Virginia, and died ten days later, May 10th, 1863. His last words were: "Let us cross over the river, and rest under the shade of the trees."

Where these marshaled hosts struggled for the mastery, now are seen and heard the hurry and bustle of an industrial activity, cultivating the soil, navigating the rivers, constructing railroads, building churches and school houses and digging wealth from the mountains. May white-winged peace long remain.



JESSE L. RENO.

\*West Virginia's most distinguished son who fought for the Union in the War between the States, was Jesse Lee Reno. He was born in Wheeling, Ohio county — now West Virginia — June 20, 1823; entered the Military Academy at West Point in 1842 and was graduated therefrom in 1846 with the brevet rank of Lieutenant of Ordnance. He accompanied the American army to Mexico in 1847, and participated in every battle from Vera Cruz to the City of Mexico, among these being

Cerro Gordo, Contreras, Cherubusco and Chapultepec, and for gallantry at the latter place, where he was wounded, he was brevet captain. From the battlefields of Mexico he went to West Point as Professor of Mathematics; then on the Coast Survey, and Chief of Ordnance in General Albert Sydney Johnston's Utah Expedition in 1857-9. At the beginning of the War between the States he was commissioned a Brigadier-General and was with General Burnside at all the battles of Tide-Water Virginia in 1861-2. In the latter year he was with General Pope at Manassas and Chantilly; was made a Major-General, July 18, 1862. At four o'clock on the evening of September 14th, of the same year, he fell mortally wounded while leading the Ninth Army Corps, in the desperate battle of South Mountain, Maryland, and died while cheering his men on to victory. No braver man fell in that war than Jesse Lee Reno of West Virginia.

## CHAPTER XIX.

THE STATE UNDER THE FIRST CONSTITUTION.—

(*Continued.*)

From 1863 to 1865.

**1. The Counties Divided into Townships.**—The Legislature passed an act on July 31st, 1863, providing for the division of the several counties into townships, and a schedule in connection therewith contained the names of three responsible men in each county whose duty it should be to perform the work. This was done and in time the minor civil divisions of our State were created. By the requirements of the second constitution, these divisions were retained but the name township was changed to magisterial district, of which there cannot be a smaller number than three nor more than ten in each county. These magisterial districts for educational purposes are divided into sub-districts, a school being situated in each.

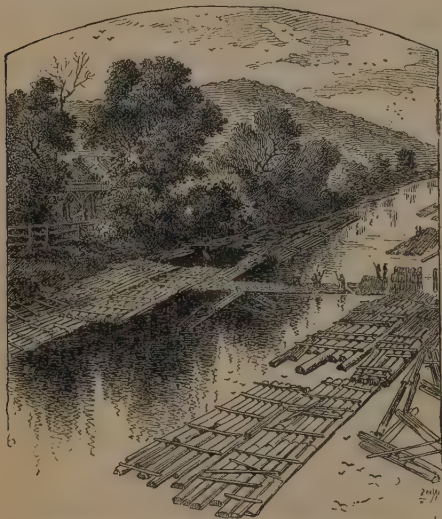
**2. The Hospital for the Insane at Weston.**—This institution was established before the beginning of the Civil War. On March 22d, 1858, the General Assembly of Virginia passed an act providing for the establishment of the "Trans-Alleghany Lunatic Asylum." The Governor was required to appoint three commissioners, one from the Valley and two from that part of the State east of the Blue Ridge, to

determine the location of the institution. They were to begin their labors on the first Monday in June ensuing, and visit three points to be named by the Governor. That official designated Weston, in Lewis county; Sutton, in Braxton county, and Fayetteville in Fayette county, and Thomas Wallace, of Petersburg City; Dr. Clement R. Harris, of Culpeper county, and Samuel T. Walker, of Rockingham county, as commissioners.

**3. The Institution Located at Weston.**—The commissioners having visited the sites named, selected Weston as the most available location and so reported to the Governor, who then appointed a board of directors consisting of nine members, the duty of which was to purchase the land and have the necessary buildings erected. The board was composed of William E. Arnold, John Brannon, James T. Jackson, Minter Bailey, R. J. McCandlish, Caleb Boggess, Johnson N. Camden, Jacob B. Jackson and Joseph C. Spaulding. The act providing for the establishment of the institution appropriated twenty-five thousand dollars for the purchase of land the quantity of which was not to exceed three hundred acres. In 1860, the Assembly appropriated fifty thousand dollars for the work of construction, and in 1861, a similar sum for the same purpose, together with ten thousand dollars for the support of the asylum. Work began but was for a time suspended because of the war. But the Reorganized Government caused a resumption of the same, and the new State prosecuted it to completion.

#### 4. Improvement of the Little Kanawha River.—

The Little Kanawha river drains the interior of the State, and many years ago attracted attention because of its commercial importance, but it was not until



LOG-RAFTING ON THE LITTLE KANAWHA RIVER.

1863 that action was taken to secure the improvement of that stream. On February 4th in the year named, the General Assembly of the Reorganized Government passed an act incorporating the Little Kanawha Navigation Company. Books for subscription of stock were authorized to be

opened at Parkersburg, in Wood county, Newark, Elizabeth and Rathbone, in Wirt county, and Glenville, in Gilmer county. Thus began the work which resulted in the construction of a number of locks and dams on the river.

**5. The First West Virginia Book.**—The first book relating to West Virginia, published after it became a State, was called “West Virginia—its Farms, Forests and Oil-Wells.” It was written by J. R. Dodge,

and published in Philadelphia in 1865. It is a book of rare interest, and the vast fund of information possessed by the author regarding the State is a matter of surprise, when we remember that it was a land practically unknown to industrial writers, without records of its natural wealth or the reports of the transactions of agricultural or geographical societies.

#### 6. The Petroleum Production of the State.—

The first petroleum discovered in West Virginia was



SCENE IN THE PETROLEUM FIELDS.

in Wirt county, and Burning Springs on the north side of the Little Kanawha river in that county, has a history that reads like romance. In the year 1860, intelligence of the discovery of one of the greatest petroleum-producing regions then known on the globe went out to the world from this place. In August of that year there was not a score of persons in the vicinity, and six months later, the morning Fort Sumter was fired upon, there were not fewer

than six thousand persons here. Capitalists and adventurers from every part of the country rushed hither, among them United States senators, members of congress, governors of States, and others high in official positions. Fortunes were made and lost in a day. From this beginning has grown one of the chief industries of the State.

**7. The Beginning of the State's Educational Work.**—That we may properly understand the origin and development of the educational work of the State we must examine the records of Virginia before the formation of our own State. Sir William Berkeley, Governor of Virginia, in his report of the condition of the Colony in the year 1671, said: "Thank God, there are no free schools or printing presses, and I hope there will be none for a hundred years, for learning has brought disobedience and heresy and sects into the world and printing has divulged these and other libels." Berkeley spoke of free schools, and the hope which he expressed was fully realized, because it was 1796, one hundred and twenty-five years after his utterance, before Virginia enacted a law having the semblance of a public school system, and then its provisions rendered it inoperative for half a century longer. When these years had passed away and brought the year 1846, another statute was enacted, which, with the amendments of 1848, was practically a free school law; that is, for all counties that chose to adopt it.

**8. First Free Schools in West Virginia.**—Among the counties now in West Virginia which established

free schools under the law of 1846 were Jefferson, Ohio, Kanawha and Brooke. To the first-named county belongs the honor of having established the first free schools in what is now West Virginia. This it did in 1847, and at the time of the beginning of the Civil War, in 1861, there were twenty-seven free schools in the county. In 1848, Ohio and Kanawha counties established free schools under the provisions of the same law, the former county completing its first free school building in July of that year. It was located at the corner of Union and Fifth streets in the city of Wheeling.

#### **9. Constitutional Provisions for Free Schools.—**

A number of the members of the first Constitutional Convention of West Virginia came from counties which had free schools in operation, and the president of that body had been engaged but recently in an effort to establish the same in Mason county. All of these were earnest advocates of a Free School System. The Committee on Education was composed of Gordon Battelle, of Ohio county; William E. Stevenson, of Wood; Robert Hagar, of Boone; Thomas H. Trainer, of Marshall; J. W. Parsons, of Tucker; William Walker, of Wyoming, and George Sheets, of Hampshire. The report of this committee with slight changes became Article X. of the first Constitution.

#### **10. First Free School Statutes of West Virginia.**

—In his message to the Legislature which assembled June 20th, 1863, Arthur I. Boreman, the first governor of the State, called the especial attention of that body to these constitutional provisions, and said:

"I trust you will take such action as will result in an organization of a thorough and efficient system." The Committee on Education of the first Legislature were as follows: In the Senate, John H. Atkinson, Thomas K. McCann, John M. Bowen, Chester D. Hubbard and William E. Stevenson; in the House of Delegates, A. F. Moss, S. R. Dawson, George C. Bowyer, Daniel Sweeney and Thomas Copley. Both committees submitted reports from which the Legislature prepared the first free school law of the State.

**11. The First Years of Free School Work.**—Under the provision of the first constitution, the head of the educational work was designated the General Superintendent of Free Schools, and he was chosen by the Legislature. In 1864, that body elected Rev. William Ryland White to that office, and he immediately entered upon the duties pertaining thereto. From his Annual Report for the year 1865, it is seen that the system was in operation in twenty-two counties and in Wheeling city, together with eleven other counties, in which it was partially introduced. In the twenty-two counties reported there were 133 school houses; 431 schools, in which there were enrolled 17,972 pupils, and an enumeration of school youth of 63,458. Such was the small beginning from which has grown our splendid school system of the present time.

## CHAPTER XX.

### THE STATE UNDER THE FIRST CONSTITUTION.—

*Continued.*

From 1865 to 1870.

**1. The West Virginia University.**—This institution stands at the head of the Free School System of the State. It grew out of the West Virginia Agricultural College. On July 2d, 1862, Congress passed an act donating public lands to the several States and Territories which provided colleges for the promotion of the agricultural and mechanic arts. In the apportionment of these lands, thirty thousand acres were allowed the respective States for each representative in Congress. West Virginia then had five such, and one hundred and fifty thousand acres was apportioned to the State. This was disposed of for the sum of \$90,000, which was invested by the Governor as required by law.

**2. The Beginning of the University.**—On October 3d, 1863, the Legislature passed an act providing for the West Virginia Agricultural College within five years thereafter. On January 9th, 1866, the board of trustees of Monongalia Academy offered to the State all of its property, including that of Woodburne Female Seminary, the whole located in Morgantown, and valued at \$51,000, on condition that the contem-

plated Agricultural College be located at or near that place. The Legislature on February 7th, 1867, accepted this donation, established the College, and empowered the Governor to appoint a board of visitors,



ALEXANDER MARTIN, D.D.  
First President of the West Vir-  
ginia University.

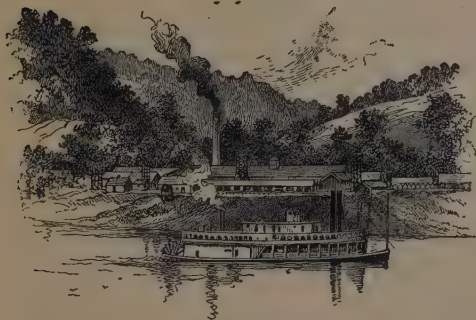
consisting of eleven members, one from each senatorial district. By an act passed March 3d, 1868, the sum of \$16,000 was added to the congressional donation, the whole to become a permanent endowment fund for the College. On December 4th of the same year, the name of the "Agricultural College of West Virginia" was changed by legislative enactment to that of the

West Virginia University. Since that time this institution has grown to be one of the leading universities of this country, having several large buildings and all modern improvements and apparatus.

**3. Marshall College State Normal School.**—The first reference in State records to a normal school is that of a joint resolution of the Legislature adopted February 3d, 1865, by which the governor was authorized to appoint a commission of five persons, whose duty it should be to report to the next Legislature a definite plan for the establishment of one or more normal schools. On February 27th, 1867, an act was passed providing for the establishment of a State Normal School in Cabell county.

**4. Early History of the School.**—Marshall Academy was incorporated by Legislative enactment, March 13th, 1838, with John Laidley, Frederick G. L. Beuring, William Buffington, Benjamin Brown, John Samuels, James Gallaher, James Holderby and others, trustees. James Holderby and wife transferred the title to a suitable body of land by deed bearing date June 30th, 1838, and a four-room brick building was speedily erected thereon. Isaac N. Peck was the first principal. The institution was named in honor of Chief Justice John Marshall, the eminent jurist. The school met with varying success until 1858, when it was incorporated as Marshall College, and as such it continued until 1867, when by legislative enactment it was made a State Normal School.

✓ **5. The Manufacture of Salt.**—One of the most important industries ever developed within the State was



SCENE IN THE KANAWHA SALINES—1867.

the manufacture of salt, and although it has now greatly declined, it is probable that the year 1867 witnessed the greatest production. That

portion of the Great Kanawha Valley above Charleston was the region in which salt was first made. There is evi-

dence that the Indians obtained a supply of that necessary article here as early as 1753. Elisha Brooke established the first salt furnace in 1797. Salt for local use was made at Bulltown, on the Little Kanawha river, as early as 1795, and thereafter for many years, but the chief production in the State other than in the Great Kanawha Valley, was on the Ohio in Mason county. In 1849, wells were bored and a furnace erected at West Columbia in that county, and in 1854 another was erected at Hartford City, distant six miles from the former. Thus the work continued until 1867, when there were more than a dozen furnaces being operated in the vicinity, producing annually more than two million bushels. It is now a vanished industry.

**6. Establishment of Storer College.**—The first institution established in the State for the education of colored people was Storer College at Harper's Ferry. In February, 1867, John Storer of the State of Maine gave \$10,000 toward founding an institution for the colored people, providing that \$10,000 more were added to it. Arrangements were completed and a farm of one hundred and fifty acres of land purchased on Bolivar Heights at Harper's Ferry. Four government buildings, former residences of government officials connected with the United States armory at that place, were secured and in one of them the school was opened October 2d, 1867, nineteen pupils being present. A charter was obtained later, and good buildings erected. Here the State educated its colored teachers until the establishment of the Colored Institute at Farm, Kanawha county.

### 7. The Berkeley Springs; State Ownership.—

These famous Springs in Morgan county are now owned by the State. The property was included in the Fairfax Land Grant, and just how the title thereto became vested in the State of Virginia does not appear, but the General Assembly of that State at its first session in 1776, provided for the appointment of trustees for the "Warm Springs of Virginia," and declared that they should be for public use and for no other purpose. Virginia continued to control the property until the division of the State, when the title thereto vested in West Virginia, as did that to all other public property within the bounds of the new

State, as provided by an act of the Assembly under the Reorganized Government, passed February 3d, 1863, when trustees were appointed therefor and the property was called Berke-



SCENE AT BERKELEY SPRINGS.—1898.

ley Springs. An act of the West Virginia Legislature, passed in 1868, declared Berkeley Springs to be the property of the State.

**8. The West Virginia College.**—In 1863, Reverend Flavius Cather formed a joint stock company, for the purpose of erecting a building and sustaining a school of high order at Flemington, in Taylor

county, West Virginia. Seven thousand dollars were collected and expended upon the enterprise, but it was not enough and work was suspended until 1868, when a charter, granting full college powers, was obtained and the name West Virginia College, adopted. Reverend A. B. Williams was elected president, and with a full faculty, the first term began on the second Tuesday in November, 1868. It is now closed.

**9. George William Summers.**—George W. Summers was one of the most eminent Virginians on the west side of the Alleghany mountains. He was born in Fairfax county, Virginia, March 4th, 1807, but removed with his parents to the Great Kanawha Valley when but a child. He graduated from the Ohio University at Athens, in 1826, and was admitted to the bar the following year. He represented Kanawha county in the General Assembly of Virginia in 1830, and in 1841, was elected a Member of Congress, and re-elected to that position in 1843. In 1851, he was a candidate for Governor but was defeated by Joseph Johnson of Harrison county. The next year he was elected a Judge of the Eighth Judicial District of Virginia, and in 1861, was a member of the Peace Conference at Washington City. He died in September, 1868.

**10. The First West Virginia Biography Written.**—The first contribution to biographical literature, made by a West Virginian, after the admission of the State into the Union, was the work of Zebedee Warner, D.D. It was entitled "The Life and Labors of Reverend Jacob Bachtel," and was published at

Dayton, Ohio, in 1868. It is an interesting detail of the labors and privations experienced by those engaged in ministerial work in West Virginia, long years ago.

✓ 11. **"Sketches of Virginia."**—Among the most voluminous writers of the State was William Henry Foote, D.D., of Romney, Hampshire county. He was born at Colchester, Connecticut, December 20th, 1794, and graduated from Yale College in 1816. In 1824 he came to Romney as a minister, where he remained nine years, when he went to Philadelphia, at which place ten years were spent. Then he returned to Hampshire county, never more to leave it. He died at Romney, November 22d, 1869. He was the author of several published works, among them being, "Sketches of Virginia," "Sketches of North Carolina," and the "Huguenots, or Reformed Dutch Church." The first named is of great value to all students of our history.

12. **First Poetry of West Virginia.**—In 1860, "The Wreath of Eglantine" was published at Baltimore. It was a volume of poems, the joint work of Daniel B. Lucas and his sister, Virginia Lucas, of Jefferson county. The work of the latter consisted of pastoral poems, illustrated by David Henderson, a pupil of Porte Crayon. This was doubtless the first attempt at Southern pastoral poetry illustrated by a Southern artist, and the publication of the book will mark an epoch in this branch of Southern Literature. Other literary works of Daniel B. Lucas, are: "Memoirs of John Yates Beale"; "Ballads and Madrigals,"

and joint authorship of "Fisher Ames and Henry Clay."

**13. The Schools for the Deaf and Blind.**—A binding obligation to educate as far as possible, all the deaf and blind youths within its limits, is imposed upon the State by the very laws of nature and all just claims of humanity. Prior to the year 1870, West Virginia made arrangements for the education of her deaf and blind children in the schools of Ohio and Virginia. But this was very unsatisfactory, and the Legislature passed an act on March 3d, that year, providing for a State institution in which these unfortunate children should be educated. Eight thousand dollars was appropriated with which to begin the work.

**14. The School Located and Established.**—A Board of Regents for the institution was appointed by the Governor. The several towns and cities of the State were invited to compete for the location of the school. The Literary Society of Romney and the citizens of that town proposed to donate to the State the building known as the Romney Classical Institute, together with fifteen acres of land. This was regarded as the best offer and accepted. Changes were made in the building and the school was opened on September 29th, 1870, when thirty pupils were enrolled, twenty-five being deaf mutes and five blind. These schools are the pride of the State.

**15. West Liberty Normal School.**—West Liberty Academy was established in 1838, by Nathan Shotwell, a suitable building having been erected for the purpose. In the year 1840, the building was destroyed

by fire, but the school was continued temporarily in another building. On February 4th, 1844, the General Assembly of Virginia passed an act authorizing the directors of the Literary Fund to loan to the trustees of the West Liberty Academy, five thousand dollars with approved security. In 1847, another building was erected on the site of the former. Those most active in this enterprise were W. B. Curtis, M. M. Dunlap, Peter Delaplaine, Joseph Waddell and George D. Bonar.

**16. The School Made a State Institution.**—The West Liberty Academy was continued, until it became a State Normal School. On February 26th, 1867, the West Virginia Legislature passed an act authorizing the trustees of West Liberty Academy to sell the same at public or private sale, and the same act appropriated six thousand dollars with which the General



WILLIAM A. HARRISON.

Superintendent of Free Schools was directed to purchase the property for a State Normal School. There was some delay, but the State secured the title, and by an act of March 1st, 1870, a branch of the Normal School was established at West Liberty and it was opened May 2d, 1870.

**17. Death of Judge William A. Harrison.**—On December 31st, 1870, Judge William A. Harrison died at his home in Clarks-

burg. He was a native of Prince William county, Virginia, where he was born August 27th, 1795. Having been admitted to the bar, he came to Parkersburg in 1819, where he spent two years and then removed to Clarksburg, which place he made his permanent home and where he became prominent in his profession. For a number of years he was United States District Attorney, and in 1861, was elected Judge of the Circuit Court; in 1863, he was elected one of the three judges of the Supreme Court of Appeals, and became the first president *pro tempore* of that body.

18. Resignation of Governor Boreman. — The Legislature elected Governor Boreman to a seat in the United States Senate February 26th, 1869. He promptly resigned the office of Governor, which he had filled by successive elections since 1863, and on the following day Daniel D. T. Farnsworth became the acting Governor by virtue of his office, that of President of the State Senate, and as such served six days, or until March 4th, 1869, when he was succeeded by the Governor elect, William E. Stevenson.



DAN'L D. T. FARNSWORTH.

## CHAPTER XXI.

THE STATE UNDER THE FIRST CONSTITUTION.—

*here* Concluded.

From 1870 to 1872.

**1. The Fairmont State Normal School.**—A private Normal school was established at Fairmont in 1865: it was the first school opened for the training of teachers in this State. A year later a bill proposing the establishment of a State Normal School at Fairmont was introduced in the Legislature, but it did not become a law. In the same year a joint stock company, the name of which was the "Regency of the West Virginia Normal School," was organized and obtained a charter. The original incorporators were: A. Brooks Fleming, Oliver Jackson, J. C. Beeson, Ellery R. Hall, J. M. Boyd, D. B. Dorsey, J. J. Burns, T. A. Fleming, J. H. Brownfield and T. A. Maulsby. A lot was purchased and the erection of a building commenced in 1867.

**2. The School under State Control.**—Before the completion of the building the property passed from the control of the Regency to that of the State. On March 4th, 1868, the Legislature passed an act providing for the purchase of the property of the Regency of the West Virginia Normal School and the establishment of a State Normal School at Fairmont.

The sum of five thousand dollars was appropriated under specified conditions, to pay for the said property and for the completion of the building. One of the conditions on which the appropriation was made was that Marion county should pay into the State treasury the sum of two thousand dollars; this met with a ready compliance and the title to the property passed to the State. William R. White, the first State Superintendent of Free Schools, was the first principal of the Normal School. Dr. J. G. Blair succeeded him in 1871, and continued at the head of the school until 1878.

**3. The Glenville State Normal School.**—On February 19th, 1872, it was enacted by the Legislature that a branch of the State Normal School be established at the town of Glenville in Gilmer county, with the provision, however, that citizens of the county or others furnish a suitable building for the purposes of the school, without cost to the State.

**4. The School Opened.**—The requirement as to the building met with a ready compliance, a two-story frame residence being so altered as to accommodate the school, which was opened to students in January, 1873, with T. M. Marshall in charge. Louis Bennett was elected principal in 1873, and entered upon the discharge of his duties in April of that year. A substantial brick building was soon after erected.

**5. Shepherd College State Normal School.**—The branch of the State Normal School at Shepherds-town in Jefferson county was established by an act of

Legislature passed February 27th, 1872. The Shepherd College Building, which had been used for some time as a court house, was vacated, and early in 1871, several gentlemen, residents of Shepherdstown, applied to the trustees of the college for a lease of the same that a school might be established in which young men and women might be afforded an opportunity to secure higher educational advantages. Permission was readily granted and a lease for a term of years was executed to Rev. C. W. Andrews, George M. Beltzhooover, Alexander R. Boteler, Henry Shepherd and others.

**6. The School as a State Institution.**—These gentlemen organized as a Board, and in September, 1871, the school designed by them was opened with Joseph McMurran as principal. In June of the next year, after the passage of the act establishing a Branch of the State Normal School at Shepherdstown, the Board of Regents met at that place and made an order to include the work of the previous year as part of the Normal course, and at the same time elected Joseph McMurran principal, and in this position he continued as a faithful and efficient worker for ten years.

**7. The Branch of the State Normal School at Concord.**—The act of the Legislature establishing a branch of the State Normal School at Concord in Mercer county was passed on February 28th, 1872. A provision of the law was, that the building recently erected in the town for a court house and jail and the land on which the same was located, together with

not less than five acres additional and adjacent thereto, be secured to the State without cost. Before this was done, the owner of the land died and a title could not be secured, but the Legislature on December 2d, 1873, so amended the law that other land might be secured. A purchase of six acres was made and the Board of Regents having secured James H. French as principal, caused the school to be opened for the admission of pupils on May 10th, 1875.

**8. James Harvey French, the First Principal of the School.**—The “Father of the Concord State Normal School,” was Captain James Harvey French. He was a native of Giles county, Virginia, born October 20th, 1818. He was educated at Georgetown



JAMES HARVEY FRENCH.

in the District of Columbia and at the University of Virginia, from which he was graduated. He was admitted to the bar soon after the Civil War began, when he entered the Confederate army as Captain, and participated in the first battle of Manassas. From the date of his election as principal of the Concord Normal

School, he served continuously in that position for full seventeen years, or until his death, which occurred on December 11th, 1891. An imposing marble shaft marks his resting place, which is within a few yards of the entrance to the Normal School building. His

labors have made a lasting impression upon the educational work of the State.

**9. A State Constitutional Convention.**—On February 23d, 1871, an act was passed providing for a Convention to alter the Constitution. The election was held on the fourth Thursday in August ensuing, when a majority of the votes cast were in favor of calling the Convention. As many members of the body as there are senators and delegates composing the Legislature, were chosen at the general election in October, and the governor made proclamation of the result, December 26th.

**10. Meeting of the Convention.**—On January 16th, 1872, the Convention assembled in the old Methodist Episcopal Church at Charleston, and entered upon the work before it. Samuel Price, of Greenbrier county, was chosen president; Gibson J. Butcher, secretary, and Jacob V. Cunningham, sergeant-at-arms. The Convention, after continuing in constant session for two months and twenty-three days, adjourned April 29th, 1872, having framed the present Constitution of the State. It was submitted to the people and by them ratified on the ensuing fourth Thursday in August, at which date it became operative and in full force.

**11. Constitutional Changes.**—The new Constitution wrought many changes in the organic law of the State. The term of all State officers was increased from two to four years. The Board of Public Works was made to consist of the Governor, Auditor, Treasurer, State Superintendent of Free Schools, and Attorney-General, instead of the three first-named, as

under the former Constitution. The number of judges of the Supreme Court of Appeals was increased from three to four. The office of Secretary of State was made an appointive one, instead of elective as formerly, and that of State Superintendent of Free Schools became an elective one by the people. The regular session of the Legislature became biennial instead of annual, and the term of office of the members of the House of Delegates was increased from one to two years, while that of members of the Senate was increased from two to four years, and the number of senatorial districts was increased from eleven to twelve.

**12. The Free School System Under the New Constitution.**—Among the men composing the Convention which framed the Constitution, were many who had been actively engaged in putting the Free School System into operation, and of these were Benjamin W. Byrne and William K. Pendleton, two future State Superintendents of Free Schools. Of all the standing committees of that body, none ranked higher intellectually than that on education, composed as it was of William H. Travers, W. K. Pendleton, George H. Moffett, Isaiah Bee, John T. Pearce, Joseph N. B. Crim, Charles D. Boggs, William Haynes, W. J. Gallagher, J. Marshall Hagans and John A. Warth. How well they did the work will appear when we see how firmly our school system is fixed in the organic law of the State.

**13. First Free School Legislation Under the New Constitution.**—The Constitution declared that the Legislature should provide for a thorough and

efficient system of free schools. The Committee on Education on the part of the House of Delegates, was composed of: Albert A. Lewis, George R. C. Floyd, M. F. Hullihen, Joseph M. Ferguson, Jesse Flowers, B. H. Foley, B. C. Vinson, John A. Campbell and Edward F. Vossler. Those composing the Senate Committee on Education were J. L. Hall, G. A. Blakemore, Presley C. Eastham, Isaac E. McDonald, and C. M. Bishop. These Committees worked faithfully, and framed the Free School Law of 1873.

**14. The President of the Second Constitutional Convention.**—The President of the Constitutional



SAMUEL PRICE.

Convention which framed the present Constitution of the State was Samuel Price, of Greenbrier county. He was born in Fauquier county, Virginia, July 28th, 1805, studied law in Kentucky, and was admitted to the bar in Nicholas county, now West Virginia, in 1832. He was Clerk of the county in 1831, Prosecut-

ing Attorney in 1833, and represented Nicholas and Fayette counties in the General Assembly of Virginia in 1835. He was a member of the Virginia Conventions of 1850 and 1860, and was elected Lieutenant-Governor of Virginia in 1863. He was appointed to fill the vacancy in the United States Senate caused by the death of Allen T. Caperton in 1876. He died at Lewisburg, February 25th, 1884.

## CHAPTER XXII.

### THE STATE UNDER THE PRESENT CONSTITUTION.

From 1872 to 1881.

**1. Death of George Hay Lee.**—George Hay Lee was one of the most eminent jurists of Virginia. He was born at Winchester in the Shenandoah Valley in 1807, and was graduated from the Virginia University.



GEORGE HAY LEE.

He was admitted to the bar, and in 1831 removed to Clarksburg, now West Virginia. Twice he represented Harrison county in the General Assembly of Virginia, and was prosecuting-attorney of the same county, and afterward United States District Attorney for the western district of Virginia. Later

he was circuit judge, and upon the adoption of the Constitution of 1850, he was elected a judge of the Supreme Court of Appeals. He died at his home at Clarksburg, November 20th, 1873.

**2. Another Contribution to the Literature of the State.**—This was a volume entitled "The Formation of West Virginia," and was printed at Wellsburg, West Virginia, in 1875. The title indicates the historical character of the work. It treats

extensively of the causes which led to the formation of the State. The author, Granville Parker, was an active participant in the movements of which he writes. He was born at Chelmsford, Massachusetts, January 18th, 1809, and came to Cabell county, now West Virginia, before the Civil War. He represented that county in the convention which framed the first Constitution of the State. He died at Wellsburg, May 10th, 1881.

### 3. Improvement of the Great Kanawha River.—

The failure of the steamer "Robert Thompson" to ascend the river in 1819, and the success of the "Andrew Donnelly" in reaching Charleston the next year, were events of so much importance, that the General Assembly of Virginia, at its next session in 1820-21, provided for the improvement of the river. Surveys were made and the work began at Red House Shoals, and at the mouth of Elk River, in 1825, under the direction of John Bosser, but little was accomplished. Fifty years passed away and brought the year 1875, when the Federal Government undertook the work which has been so thoroughly done.

### 4. Death of Judge James Paull.—

On May 11th, 1875, Judge James Paull passed from among the living. He was born in Belmont county, Ohio, July 6th, 1818. Early in life he entered Washington College, Pennsylvania, where he was graduated in 1835, and later attended the Law Department of the University of Virginia. Locating in Wheeling for the practice of his profession, he twice represented Ohio county in the General Assembly of Virginia. In

1872 he was elected a Judge of the Supreme Court of Appeals. He entered upon the arduous duties of his position, but they were too much for him, and he retired to Wellsburg, where he yielded up his life in the midst of its usefulness.

**5. Founding of Broaddus College.**—This institution was established at Winchester, Virginia, in September, 1871, as the Winchester Female Institute. Later the name was changed to Broaddus Female College in memory of Reverend William F. Broaddus, a talented minister of Virginia. In 1876, the school was removed to Clarksburg, West Virginia. A charter was obtained in 1877, and the corporate name changed to Broaddus College, both sexes being admitted since that time. In 1894, the school began work under a second charter, the title being changed to that of Broaddus Classical and Scientific Institute.

**6. Another Prominent West Virginian Passes Away.**—Kellian V. Whaley, one of the three Virginia members of Congress under the Reorganized Government, died May 20th, 1876. He was born in Onandago county, New York, on May 6th, 1821, and came to what is now West Virginia in 1842. He entered the Federal army in 1861, and was taken prisoner at Guyandotte the same year, but made his escape. He served three terms in Congress, one under the Reorganized Government, and two as one of the representatives from the new State of West Virginia. He was appointed Collector of Customs at Brazos de Santiago, Texas, in 1868.

**7. The United States Centennial Exposition.—**

The year 1876 was the centennial anniversary of the adoption of the Declaration of Independence—the one hundredth year of our national life. To no other American State was it worth more than to West Virginia, and well did she improve the opportunity thus afforded to make known to the world the vastness of her undeveloped wealth.

The Nations and States of the earth were represented at the Exposition, and, for the first time, West Virginia's importance as a State having boundless natural resources, became known. On the 14th of December, 1875, the Legislature passed an act authorizing the Governor to appoint a State Board of Centennial Managers, consisting of seven persons, two of whom were to be the National Commissioners for the State. These the President of the United States had previously named; they were Alexander R. Boteler, of Jefferson county, and Andrew J. Sweeney, of Ohio county. On the 28th ensuing the Governor appointed as members of said Board: O. C. Dewey, G. W. Franzheim, E. H. Beall, Thomas Maslin and John P. Hale. Twenty thousand dollars were appropriated to pay the expenses of the State's exhibit.

**8. The Commissioners at Work.—**The board hastened to organize by electing Andrew J. Sweeney, President, and O. C. Dewey, Secretary. Local boards were appointed in every county in the State. Professor M. F. Maury was entrusted with the classification of all the exhibits, and Professor William M. Fontaine, of the West Virginia University, was detailed by the

Board of Regents of that institution to prepare for publication all of the information collected by the board.

**9. West Virginia as Seen at Philadelphia.**—The commissioners proceeded to Philadelphia and selected a site upon which to erect a State building. Plans and specifications were prepared by C. C. Kemble, an architect of Wheeling, and contracts were entered into with Henry S. White, of Marshall county, for the erection of the building. The reception rooms were built entirely of woods of the State finished in their natural colors. Here was arranged such an exhibit of our material resources and handiwork that it not only surprised the people of other States, but astonished those from our own.

**10. United States Senator Allen T. Caperton Dies at Washington.**—A distinguished West Virginian



ALLEN T. CAPERTON.

died at Washington City in 1876. This was Allen Taylor Caperton, United States Senator from this State. He was born near Union, Monroe county, now West Virginia, November 21st, 1810. He attended the University of Virginia and completed his education at Yale College in 1832, and then studied law.

In 1841 he represented Monroe county in the lower branch of the General Assembly of Virginia; three

years later, he was elected to the upper house of the same body, and occupied a seat in the Constitutional Convention of 1850-1. He followed the fortunes of his native State in the Civil War, and in 1862 the Assembly of Virginia elected him to a seat in the Senate of the Confederate States. He returned to his home at the close of the war, and on February 17th, 1875, the Legislature of West Virginia elected him a Senator in the Congress of the United States.

11. "History of Kanawha County."—This work was published in 1876, the author being George W. Atkinson. It is one of the best local histories that has appeared relating to the region west of the Alleghanies. It contains an account of the early settlements of the Great Kanawha Valley, as derived from records and aged citizens. Kanawha county was formed in 1789, when bands of savage men still continued a barbarous and relentless warfare against the frontier settlements then within the new county, the limits of which embraced nearly a fourth part of the present State of West Virginia. The book also contains much valuable biography. In 1890, the same author having associated with himself Alvaro F. Gibbons, published "Prominent Men of West Virginia," a work of much value.

12. Great Railroad Labor Troubles.—The year 1877 witnessed one of the greatest railroad strikes that ever occurred in the United States, and Martinsburg, West Virginia, was the point where it began. The civil authorities were powerless and the officials of the railroad appealed to the State for aid. The Berkeley

Light Infantry was ordered to assist the civil authorities. The troops went to the scene of action but were unable to subdue the strikers. The Governor sent the Mathews Light Guards from Wheeling but they, too, were powerless to restore order. That official then appealed to President Hayes for the assistance of the United States army to aid in maintaining the supremacy of the law. General W. H. French, who was stationed at the Washington arsenal, was ordered to move all available troops to Martinsburg. A body of two hundred of the Fourth United States Artillery, hastened to that place, and order was restored, but the strike extended to other cities and states and rendered the year memorable in the history of the Nation.

**13. General John Jay Jackson.**—On January 1st, 1877, General John Jay Jackson died at his home in Parkersburg, West Virginia, aged seventy-seven years. He was born near that city. When but a mere youth he attended Washington College, Pennsylvania, and later entered the Military Academy at West Point, where he was graduated in 1818. Enlisting in the regular army, he served on the Atlantic coast and afterwards with distinction with the Fourth United States Infantry during the Seminole War in Florida. Leaving the army, he studied law and rose rapidly in his chosen profession. He held many positions of trust and honor, representing Wood county six different times in the General Assembly of Virginia. In 1842, he obtained the rank of Brigadier-General in the military establishment of Virginia.

**14. Charles S. Lewis Dies at Clarksburg.**—Another one of the prominent men of the State, who fell by the hand of death in 1878, was Charles S. Lewis, of Harrison county. He died near where he was born fifty-



CHARLES S. LEWIS.

seven years before. He received the best education afforded by Clarksburg at that day, and then attended the Ohio University, and later was graduated from Augusta College, Kentucky. As a member of the General Assembly of Virginia, as a representative of Harrison county in the Legislature of West Virginia, as

State Superintendent of Free Schools and as a Judge of the Circuit Court, he was faithful to every trust.

**15. "The History of the Pan-Handle"; "History of Marion County."**—In 1879, an extensive and valuable historical work, entitled the "History of the Pan-Handle," was published at Wheeling. It was edited by J. H. Newton, and in addition to full histories of the counties of Marshall, Ohio, Brooke and Hancock, it contained much general history of the upper Ohio Valley. In the same year George A. Dunnington published a work of much interest to the student of our history. It was entitled, "History and Progress of the County of Marion, West Virginia, from its Earliest Settlement by the Whites down to the Present." The author was aided by notes and memoranda left by Richard P. Knott.

## CHAPTER XXIII.

THE STATE UNDER THE PRESENT CONSTITUTION.—

*Continued.*

From 1881 to 1889.

**1. History of Preston County.**—In the year 1882, Samuel T. Wiley's "History of Preston County" was published at Kingwood, West Virginia. The records of that county from 1796 to 1869 were destroyed by fire in the latter year; the written history of the county was very brief, and the unwritten, rapidly passing from the memory of man, and the author's publication was a timely one, for in it much has been preserved that would soon have been lost forever. The following year the same author performed a similar work for the people of Monongalia county. Historians have been called "the bookkeepers of the nations," and Samuel T. Wiley has compiled the books for an important part of this Commonwealth.

**2. Ex-Governor William E. Stevenson Passes from Among the Living.**—William E. Stevenson, an honored ex-Governor of West Virginia, died at Parkersburg on Thanksgiving day, November 29th, 1883. He was born in Allegheny county, Pennsylvania, March 18th, 1820, and came to Wood county, now West Virginia, in 1857. He was a member of the Constitutional Convention of 1861, and a mem-

ber of the State Senate from 1863 to 1869, the last three years of which he was President of that body.



WILLIAM E. STEVENSON.

Elected in 1868, he entered upon the duties of Chief Executive of the State on March 4th, 1869, and served the Constitutional term of two years.

### 3. Founding of the Normal and Classical Academy.

—This institution was incorporated in the year 1882, under the name of the West Virginia Academy, and was

located at Buckhannon, West Virginia. Among its founders were Zebedee Warner, W. M. Weekly, J. O. Stevens, L. T. John, Levi Leonard and G. A. Newlon. The school was opened for the reception of students in 1883, with Professor J. O. Stevens at its head. A brick building of ten rooms was erected, a curriculum prepared and a full faculty organized.

**4. Stevenson Female Seminary Founded.**—This is the leading educational institution of the Eastern Pan-Handle devoted exclusively to female education. It derives its name from John Stevenson, who, before the beginning of the Civil War, left by will a tract of four and one half acres of land at Charlestown, the county-seat of Jefferson, upon which to erect a female school of high grade. For the purpose of carrying into effect the provisions of this bequest, a joint stock company was organized in 1884; among the stockholders were William H. Travers, A. C. Hopkins,

Gustav Brown and John M. Coyle. The school was opened to students in 1884.

**5. Death of Prominent Men.**—The year 1884 was signalized by the death of a number of prominent men of the State. Among these were ex-Governor Henry Mason Mathews, William Guy Brown and Charles James Faulkner, each of whom had rendered faithful service to the State. The first named was a native of Greenbrier county, born there in 1834; he was a distinguished lawyer; a member of the Constitutional Convention of 1872, which framed the present Constitution of the State; was elected Attorney-General of the State in 1872 and became Governor in 1877. He died at Lewisburg, West Virginia. The second, William Guy Brown, was born in what is now Preston county,



HENRY MASON MATHEWS.

September 25th, 1800. He began the practice of law in 1823, and was a member of the General Assembly of Virginia in 1832 and again in 1840, when he served four consecutive terms. In 1845 he became a member of Congress and was re-elected in 1847. He represented

Preston county in the Constitutional Convention of Virginia in 1850 and was also a member of the Con-

vention of 1861. In the same year he was elected to Congress as a representative of Virginia under the Reorganized Government and re-elected in 1863. He was a member of the Constitutional Convention of 1872, and the same year he was elected to a seat in the West Virginia Legislature. The third, Charles James Faulkner, was born in Martinsburg, Berkeley county, July 2d, 1806. In 1829 he was admitted to the bar and three years later represented Berkeley county in the General Assembly and was re-elected in 1833. Governor John Floyd, in 1832, appointed him to prepare a report on the subject of the boundary between Virginia and Maryland. He was elected to a seat in the Senate of the United States in 1844. He occupied a seat in the Virginia Convention of 1850, and the next year was elected to Congress and by successive elections served eight years. In 1857 President Buchanan appointed him minister to France. Returning home, he served on the staff of General Thomas J. Jackson in the Confederate army; he was a member of the Constitutional Convention of 1872, and the same year was elected to Congress, but declined to be a candidate for a second term.

**6. History and Poetry.**—In the year 1884 Hu Maxwell's "History of Tucker county, West Virginia," was published at Kingwood. It was the first work that treated in detail of the early history of the Cheat River Valley, together with its connection with the annals of the South Branch Valley on the one hand, and that of the Monongahela Valley on the other. In addition to the pioneer history the book

contains much of the educational history of the people of a later date. Within a year thereafter, a volume of poems written by a West Virginian was published at Huntington, West Virginia. It was entitled "The Mountain Bard," and was the work of Charles Russell Christian, of Logan county, who said: "My honest endeavor has been to sow the seeds of literature in this hitherto barren land." The author died June 3d, 1889, aged twenty-nine years.

**7. Great Flood in the Ohio River.**—The greatest flood in the Ohio river since its valley had been occupied by white men occurred in February, 1884. The region lying between the Alleghany mountains and the Great Lakes had been one of continued drouth the preceding year, but as winter approached it became a region of storms. Those from the far Northwest warred with those from the Atlantic coast, and the result was the greatest snow-fall ever known in the Ohio Valley. The last days of January brought a thaw and a heavy and continued rainfall, so that by the first week in February the waters passed the danger point and inundated the bottom lands so that the river extended from hill to hill, and by February 7th there was a depth of fifty-three feet at Wheeling, and fifty-seven feet at the mouth of the Great Kanawha on the 11th of the same month. There was great destruction of property and much suffering, but the latter was relieved by the charities of the entire country and substantial aid from the National Government.

**8. The West Virginia Stone in the Washington Monument.**—The Washington Monument in the City

of Washington is the highest monument in the United States, and the most imposing ever built to the memory of one man. In its erection the States and Nations of the earth were each invited to contribute a stone. That supplied by West Virginia was taken from a quarry near Hinton, in Summers county, and is similar to that used in the construction of the Chesapeake and Ohio railway docks at Newport News, Virginia. It was prepared under the supervision of William K. Pendleton of Bethany College, who in addition to the coat-of-arms of the State, had placed upon it the following inscription:

*"Tuum nos sumus Monumentum."\**

The stone measured two by four feet and was received in Washington February 2d, 1885, and is placed in the column more than two hundred feet above the floor of the shaft.

**9. The Second Hospital for the Insane.**—On February 20th, 1885, the Legislature passed a joint resolution by which A. H. Kuntz, of Lewis county; Joseph Van Metre, of Hardy county; James Withrow, of Greenbrier county and John G. Schilling, of Roane county, were appointed a commission to report to the next session of the Legislature at least three places suitable for the location of a second hospital for the insane. The following year these commissioners viewed a number of sites and in compliance with the resolution requiring them to recommend at least three places they named Alderson, in Monroe county; Mason City, in Mason county and Charles Town, in Jef-

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\* "We are thy monument."

ferson county. But no one of these places received the prize. The Legislature decided to locate the institution at Spencer, in Roane county, and the sum of eight thousand dollars was appropriated with which to begin the work.

**10. The West Virginia Conference Seminary.**—This institution was located at Buckhannon, in Upshur county, in July, 1887, and forty-three acres of land were purchased for the site. Soon after the work of building was begun and a three-story structure was completed in the year 1890. At the same time B. W. Huchinson was elected to the presidency, other teachers were employed and the school opened for students in the last named year.

**11. The West Virginia Agricultural Experiment Station.**—As early as the year 1862, the National Congress began legislation, the object of which was to secure the teaching of such branches of learning as related to agriculture. This work was done thoroughly in the agricultural colleges established under the provisions of several acts of Congress, but something practical was needed to diffuse among the people useful information pertaining to agriculture. To secure this, Congress, on March 2d, 1887, passed an act which gave to each State the sum of fifteen thousand dollars to be used in making such research and experiments as would have a direct bearing upon the agricultural interests of the country. In compliance with the provisions of this act, the West Virginia Agricultural Experiment Station was organized at Morgantown, in June 1887, when John A. Myers

was chosen director of the institution. A building has been erected and supplied with laboratories, libraries and other necessary facilities for carrying on the different departments of agricultural science.

**12. Death of Judge Matthew Edmiston.**—On June



MATTHEW EDMISTON.

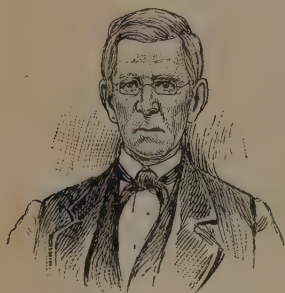
29th, 1887, Judge Matthew Edmiston died at his home in Weston, Lewis county. He was born September 9th, 1814, at Little Levels, Pocahontas county, now West Virginia, where, after receiving a common school education, he was admitted to the bar in 1835. Four

years after he removed to Lewis county which, later, he represented in both branches of the General Assembly of Virginia. In 1852 he was chosen a judge of the Circuit Court, in which position he continued until 1860. He was elected to a seat in the Constitutional Convention of 1872, but because of ill health did not qualify. He was appointed a judge of the Supreme Court of Appeals in 1876, but one year before his death.

**13. A Pioneer Record: Poetry and Song.**—Two books were added to the literature of the State in 1887. The first was a work of great historical interest and value, entitled "Trans-Alleghany Pioneers," the author being John P. Hale, of Kanawha county. Pioneer history does not repeat itself. The discovery, exploration, conquest, settlement and civilization of a

country takes place but once and for all time. The second book was a volume of poetry, entitled "Joy and other Poems," the production of Danske Dandridge, of Jefferson county; this was followed later by "Rosebrake," another volume. Both have been widely read; the author sees beauty in everything around her.

**14. General Alfred Beckley.**—Alfred Beckley was born May 26th, 1802, on Capitol Hill, Washington City, when his father was clerk of the Lower House of Congress. The father died in 1807, when the son was but five years of age. He was educated at Philadelphia, Pennsylvania, and Frankfort, Kentucky. Entering the United States Military Academy at West Point, he was graduated therefrom in 1823 and assigned to duty in the regular army, serving in the Fourth United States Artillery. He continued in the army until 1836, when he resigned and came to



GEN. ALFRED BECKLEY.

what is now Raleigh county, West Virginia, which county he was instrumental in having created. In 1850 he was made a brigadier-general in the military establishment of Virginia, a position he occupied until the beginning of the Civil War. He entered the Confederate army in 1861, and was made a pris-

oner of war in 1862, but was soon released and returned to Raleigh county, where he resided until his death May 28th, 1888.

**15. Barboursville College Founded.**—After the removal of the seat of justice of Cabell county from Barboursville to Huntington, the court-house at the former town, a good, substantial structure, was unoccupied, and the citizens resolved to establish therein a school of high grade. Accordingly, the Barboursville Seminary was incorporated in 1888, and with T. S. Wade, D.D., as president, and a faculty composed of several members, the school was opened for the admission of students in September of the last named year. The institution now has a complete college faculty.

**16. Jonathan M. Bennett, Ex-Auditor of Virginia.**—The 28th of October, 1887, was the date of the death of another prominent West Virginian. It was Jonathan M. Bennett, who was born in Collins Settlement, Lewis county, now West Virginia, October 4th, 1816. Early in life he was deputy clerk of both county and circuit courts of his native county and in 1843 he



JONATHAN M. BENNETT.

was admitted to the bar and entered upon the practice of law. He was the first mayor of Weston. In 1851 he was elected a member of the General Assembly of Virginia. In 1857 Governor Henry A. Wise appointed him to the position of first Auditor of Virginia, in which office he continued until

1865. He did much to secure the location of the Hospital for the Insane at Weston. With A. W. Camp-

bell and General John Jay Jackson, he was appointed in 1871, by the Governor of West Virginia, to adjust with Virginia the respective proportions of the public debt of the old State.

**17. David Hunter Strother: "Port Crayon."**—One of the most widely known literary men of the United States was David H. Strother. He was born at Martinsburg, now West Virginia, September 26th, 1816, and died at Charles Town, Jefferson county, March 8th, 1888. One of his early teachers was Samuel F. B. Morse, afterwards famous as the inventor of the electric telegraph. Young Strother spent two years as an art student at Rome and was four years an artist and writer in New York City. Returning to the scenes of his childhood he adopted the *nom-de-plume* of "Port Crayon," and gave to American literature "The Virginia Canaan," which made his name famous. He served in the Federal army during the Civil War and arose to the rank of brigadier-general. In 1877, President Hayes appointed him Consul-General to Mexico, and in this position he served seven years in the capital city of that country.

## CHAPTER XXIV.

### THE STATE UNDER THE PRESENT CONSTITUTION—

*Continued.*

From 1889 to 1893.

**1. Salem College Founded.**—This institution is located at Salem on the line of the Baltimore & Ohio Railroad, fourteen miles west of Clarksburg, in Harrison county. Prior to the year 1889, action was taken to secure the necessary funds to establish the school, this work being largely in the hands of J. L. Hoffman. The effort was successful and a building was completed and the institution opened on January 21st, 1889. S. Maxson was the first president. He resigned in June, 1892, and was succeeded by Theodore L. Gardner.

**2. Commissioner of Labor; Mine Inspector; State Bank Examiner.**—The rapid growth of the manufacturing, mining and commercial interests of the State was such that the Legislature considered the importance of each and gave to all the recognition which they required. On February 21st, 1889, an act was passed establishing a State Bureau of Labor, to collect and compile statistics relating to, and to provide for the inspection of the industrial establishments of the State. February 13th, 1890, by legislative enactment, West Virginia was divided into two mining

districts, in each of which the Governor was authorized to appoint a Mine Inspector, the object of the law being to secure the ventilation and drainage of the mines, and the protection of lives of persons employed therein. On February 23d, 1891, a law was enacted which provided for the examination, supervision and control, of banks doing business under the laws of this State, other than the National banks, and authorizing the Governor to appoint an officer to be known as State Bank Examiner.

**3. Establishment of the West Virginia Reform School.**—By an act of the Legislature passed February 11th, 1889, an institution to be called "The West Virginia Reform School" was established. The Governor was required to appoint a commission to select a location; said commission to be composed of the State Superintendent of Free Schools and one member from each of the four congressional districts. The Executive, in compliance, appointed Benjamin S. Morgan, Albert A. Franzheim, J. P. Scott, W. J. Shanklin and Lindsey Merrill. This commission visited Wheeling, Kingwood, Keyser, Morgantown, Buckhannon, Clarksburg, Parkersburg, St. George and Pruntytown. The last named place was selected as the site. Taylor county donated the old court house and other buildings and citizens gave five thousand dollars. Then one hundred and twenty-six acres of land was purchased. A Board of Directors was appointed and May 12th, 1890, C. C. Showalter was elected Principal. The first inmate was admitted on July 21st ensuing.

**4. The West Virginia National Guard.**—For a number of years laws relating to the militia of the State had been enacted, but on February 22d, 1891, the Legislature passed an act reducing all former laws into one. Under this enactment the entire military force of the State is designated as the "West Virginia National Guard." It is liable to be ordered into active service at any time by the Governor, who is the Commander-in-Chief, and it may be by him assigned to the service of the United States outside of the State, upon the requisition of the President thereof, for a period not exceeding three months in any one year. The National Government contributes five thousand dollars annually, toward arming, uniforming and equipping the force, and the State supplies the additional amount necessary for this purpose. The organization is made up of two regiments, not to consist of more than ten companies each. The law requires annual encampments of six days for drill and instruction in military tactics and the arts of war. The first of these drills was at Gypsy Grove in Harrison county, beginning September 3d, 1891.

**5. Death of a Distinguished Jurist.**—On December 4th, 1889, Judge Thomas Clairborne Green, one of the most eminent lawyers and jurists of the State, passed from among the living. He was born at Greenwood, Culpeper county, Virginia, in 1820. Early in life he was admitted to the bar and came to Charles Town, Jefferson county, now West Virginia, to practice his profession. Later he resided at Romney and then returned to Charles Town. He was a mem-

ber of the General Assembly when the Civil War began, and he left the halls of legislation for service



THOMAS C. GREEN.

in the army. After participating in many fiercely contested battles, he was placed at the head of the tax-collectorship of Virginia. After the surrender at Appomattox, he returned to Charles Town, where he was engaged in the practice of the law, when Governor John J. Jacob, in 1875, appointed him to fill a vacancy on the

Supreme Bench caused by the death of Judge James Paull. A year later he was elected for the unexpired term, and in 1880, was re-elected for the term of twelve years, and was on the bench at the time of his death.

**6. Preserving the History of the State.**—In the year 1880, the "History of West Virginia," written by Virgil A. Lewis, was published. It was the first work designed to cover the history of the entire State. This was followed a year later by the history of "The Lower Shenandoah Valley." It was edited by J. E. Norris, and it is the most extensive work pertaining to the history of our State or any part of it, which has been given to the public. The territory covered by it is composed of Berkeley and Jefferson counties in West Virginia and Frederick and Clarke counties in Virginia. It treats of the earliest annals of our State.

**7. The West Virginia Historical and Antiquarian Society.**—As early as March 2d, 1870, the Legislature passed an act incorporating the West Virginia Historical Society, which organized and began the work it was designed to do. Several meetings were held at Morgantown, but the work was neglected and the society ceased to exist. On the evening of January 29th, 1890, a call appeared in the Charleston daily papers, inviting all West Virginians feeling an interest in the history of their State, to meet in the senate chamber on the following evening for the purpose of organizing a West Virginia Historical and Antiquarian Society. Those signing the call were E. M. Turner, John P. Hale, Virgil A. Lewis, John L. Cole, Bernard L. Butcher, A. L. Wade, Daniel B. Lucas, Charles B. Hart, Thomas D. Houston, Presley W. Morris, Lewis S. Newman, William H. McClung, C. P. Snyder, M. S. Bryte, Isaac H. Duval, R. P. Chew, J. B. Peyton and S. L. Flournoy. The organization was completed at the time designated and twenty-three members were enrolled. A charter was obtained and the society has accomplished a great work for the State.

**8. Poets and Poetry of West Virginia.**—The most prominent West Virginians not previously mentioned who have contributed to poetry and song, whose works have been published in book form, are Waitman Barbe, Emma Withers, and Dudley H. Davis. "Wildwood Chimes," the work of Emma Withers, of Gilmer county, was published in 1891. The same year Dudley H. Davis, of Harrison county,

sent to the press "Poems and Songs of the Age," and in 1892, "Ashes and Incense," by Waitman T. Barbe, of Wood county, appeared. All have been well received by the reading public and are making the names of the authors prominent in the literature of our country. These volumes give evidence that whilst the people are so actively engaged in material development, that of intellectual growth is keeping pace therewith. Critical reviewers in Europe as well as our own country have declared the work of Waitman Barbe to possess very high literary merit and it has made the author known on both sides of the Atlantic.

**9. Frank Hereford, ex-United States Senator.—**

Frank Hereford was born in Fauquier county, Virginia, on July 4th, 1825, and died at Union, Monroe



FRANK HEREFORD.

county, West Virginia, December 21st, 1891. Early in life he went to California, where he engaged in the practice of law. Later he removed to Nevada, and in 1866 made his permanent home in Union, Monroe county, West Virginia. In 1870, he was elected a member of Congress, and by suc-

cessive re-elections, served until 1877, when on January 31st he entered the United States Senate, the Legislature having elected him for the unexpired term of Allen T. Caperton, which terminated March 3d, 1881. He was a presidential elector in 1888.

**10. The State Board of Agriculture.** — The State Board of Agriculture was created by an Act of the Legislature passed on March 13th, 1891. It consists of five members, one from each Congressional District, and one at large, who are appointed by the Governor. For several years farmers' organizations of the State had urged the necessity of such a board, and the legislative committee of the State Grange prepared the bill which became a law. In compliance with its provisions, Governor Fleming appointed the first members of the board as follows: B. F. Fisher, of Braxton county; C. R. Sperow, of Berkeley county; John M. Rowan, of Monroe county, and T. C. Atkinson, of Putnam county. This Board was organized in April, 1891. But see "Commissioner of Agriculture," on page 386.

**11. The Office of State Librarian.** — The State Library is exclusively law, the miscellaneous library being in possession of the West Virginia Historical and Antiquarian Society. Each contains thousands of volumes. The former is in charge of an official called the State Librarian, who is appointed by the Governor. The law creating the office was enacted on March 5th, 1891, and the first librarian thereunder was Charles L. Hagan. Previously the Adjutant-General discharged the duties of State Librarian.

**12. Alexander Robinson Boteler dies in Jefferson County.** — This distinguished citizen of West Virginia was born at Shepherdstown, May 16th, 1815. He was graduated from Princeton College, New Jersey, in 1835. In 1857, he was elected to a seat in

Congress. He cast his fortunes with those of his native State during the Civil War, and was a member of the Provisional Congress and later of the Congress of the Confederate States. Entering the military



ALEXANDER R. BOTELER.

service, he served on the staff of General Thomas J. Jackson, and was with Lee at Appomatox, whence he returned to Shepherdstown. President Grant appointed him a Centennial Commissioner in 1876, and President Arthur made him a member of the Tariff Commission. Through the influence of a former school-mate, Attor-

ney-General Brewster, he was appointed Pardon Clerk in the Department of Justice at Washington. He devoted much time in the latter years of his life to an effort to prove to the world that James Rumsey was the original inventor of the steamboat, and well indeed did he succeed in this undertaking. He died in 1892.

**13. Washington's Journal of Surveys in West Virginia, in 1747-8.**—In 1892, Joseph M. Toner, M.D., of Washington City, edited the Journal of George Washington kept by him when on a surveying tour for Lord Fairfax into the eastern part of West Virginia. This is the first systematic attempt to produce the writings of Washington with literal exactness, as to abbreviations, the use of capitals,

punctuation and spelling as practiced by the leader of the armies of the Revolution and the first President of the United States. The work presents the best view of the first settlements of West Virginia, that is in existence.

**14. The West Virginia Colored Institute.**—In 1890, Congress passed an Act appropriating a portion of the proceeds of the sale of public lands to the support of colleges giving instruction in agriculture and mechanical arts. West Virginia receives annually the sum of eighteen thousand dollars, of which sum fifteen thousand dollars were apportioned to the West Virginia University, and three thousand dollars to the West Virginia Colored Institute, which was established at Farm, in Kanawha county, by the same act which made the apportionment of the money to the two institutions. Thirty acres of land was purchased and the corner stone of the principal building was laid on October 11th, 1891, and the structure completed the following year. The school was formally opened on May 3d, 1892, and the following September, a Normal Department under State patronage was added to the Institute.

## CHAPTER XXV.

THE STATE UNDER THE PRESENT CONSTITUTION.—

*Continued.*

From 1893 to the Present Time.

**1. Death of United States Senator, John E. Kenna.**—John Edward Kenna was born in Kanawha county, now West Virginia, on April 10th, 1848.



JOHN E. KENNA.

In 1858, the father being dead, the mother removed to Missouri. At the age of sixteen he entered the Confederate army and served until the close of the war, when he returned to Kanawha county, where he read law and was admitted to the bar. He was Prosecuting-

Attorney of that county in 1872 and was elected to Congress in 1876, and re-elected for four consecutive terms, but before the beginning of the session he was chosen to a seat in the United States Senate, and re-elected to the same position in 1889. He died at Washington City, January 11th, 1893.

**2. West Virginia's Board of World's Fair Managers.**—On May 13th, 1890, the Governor, in compliance with an act of Congress, nominated J. W. St.

Clair of Fayette county and J. D. Butts of Jefferson county, to be appointed by the President of the United States as representatives of the State on the National Board of World's Fair Managers. March 4th, 1891, the Legislature passed an act providing for the appointment of a Board of World's Fair Managers of West Virginia. In compliance with this provision, the Governor named William N. Chancellor, of Wood county; Robert S. Carr, of Kanawha county; John S. Naylor, of Ohio county; George M. Bowers, of Berkeley county, and Sydney Haymond, of Harrison county, to compose the said Board.

**3. The Work of the Board of Managers.**—The law creating the board defined its duties to be the



WEST VIRGINIA BUILDING, WORLD'S COLUMBIAN EXPOSITION.

collection, arrangement and display of the products of the State at the World's Columbian Exposition. To defray the expenses of this work the sum of forty

thousand dollars was appropriated, one half of which was to be used in erecting a suitable building for the State on the grounds of the Exposition, in Jackson Park, Chicago, Illinois. Meanwhile, the Legislature at its session in 1893, appropriated twenty thousand dollars additional, making sixty thousand dollars in all. This sum made it possible for the board to place on exhibition such a collection of the products of the fields, mines, forests and manufactures of the State that the whole world was surprised at it.

**4. The Land Office Records.**—All of the land records, deeds, patents, grants, together with assessments of real estate within this State prior to the Civil War, were at Richmond, the capital of Virginia, and had been ever since the formation of the new State. These were very important to our people, and in 1890, a joint resolution by the Legislature required the Governor to procure from the Land Office of Virginia, the land books of the several counties of this State and also to ascertain the cost of securing copies of all land records, the originals of which could not be obtained. The Governor complied as far as possible with this requirement, and in 1891 informed the Legislature that records or copies thereof could probably be obtained, and estimated that ten thousand dollars would be necessary to defray the expenses to be incurred. The Legislature appropriated several thousand dollars to be used in defraying expenses, and these records are now in the office of the Auditor and constitute the most valuable acquisition yet secured by the State.

**6. Columbus Day in West Virginia.**—The four hundredth anniversary of the discovery of America was observed by the school children of West Virginia. The Governor issued a proclamation designating Friday, October 21st, 1892, to be observed as a general holiday, and he recommended that there be held in all the schools of the State such appropriate exercises as might impress upon the minds of the rising generation the progress of our race, the grandeur of our country, and the opportunities of American citizenship. The teachers of the State acted upon the suggestions of the Governor; suitable programmes were arranged and fully a hundred thousand children took part in the exercises.

**7. Death of Three ex-State Officials.**—Within a month in the autumn of the year 1893, three ex-State officials fell by the hand of death. These were William Ryland White, first State Superintendent of Free Schools, and John J. Jacob and Jacob Beeson Jackson, ex-Governors of the State. William R. White was born at Georgetown in the District of Columbia, on November 26th, 1820, and at the age of twenty-one years was graduated from Dickinson College, Pennsylvania. He was Principal of Olin and Preston Institute, Blacksburg, Virginia, from 1852 to 1853; and of the Seminary at Fairmont, now West Virginia, from 1856 to 1863. He was elected by the Legislature to the office of State Superintendent of Free Schools, in 1864, and by successive re-elections served until 1869, and was Principal of the State Normal School at Fairmont in 1869 and 1870, after

which he was engaged in the ministry and continued educational work. He died at Fairmont, November 10th, 1893. John J. Jacob was a native of Hampshire county, now West Virginia, where he was born, December 9th, 1829, and was graduated from Dickinson College, Pennsylvania, 1849. He occupied a chair in the University of Missouri from 1853 to 1860, when he entered upon the practice of law. He was a member of the Legislature of West Virginia in 1869, and a year later, was elected Governor of the State for a term of two years, and in 1872 was re-elected for the term of four years. He died November 24th, 1893. Jacob Beeson Jackson, the second of the ex-Governors who died this year, was born April 6th, 1828, and was admitted to the bar in 1852. He rose rapidly in his profession and held many positions of honor and trust and was elected Governor of the State in 1880. He died at his home in Parkersburg, on December 11th, 1893.

**8. West Virginians as Cabinet Officials.**—Three citizens of West Virginia have served as cabinet officials. The first of these was General Nathan Goff, of Harrison county, who was nominated by President Hayes January 6th, 1880, to be Secretary of the Navy, and the Senate confirmed the nomination the following day. In December, 1891, President Harrison sent to the Senate the name of Stephen Benton Elkins, of Randolph county, whom he had appointed Secretary of War, and the Senate speedily confirmed the appointment. On March 1st, 1895, William Lyne Wilson, of Jefferson county, received his com-

mission as Postmaster-General of the United States, having been appointed by President Cleveland, and the Senate having concurred therein.

**9. West Virginia's First State House.**—At the time of the formation of the State, Wheeling became the seat of government, and as such it remained until 1870. In 1869 citizens of Charleston represented



FIRST STATE HOUSE.

to the Legislature that, if that city should be made the capital, they would erect a State House at their own expense and donate it to the State; and that body passed an act declaring that on and after April 1st, 1870, the seat of government should be at Charleston. The

citizens organized the State House Company which erected the building at a cost of \$71,000.00, the greater part of which was paid by John P. Hale, M.D., and it was occupied by the State on the date mentioned.

**10. Wheeling Again the Capital of the State.**—On February 20th, 1875, the Legislature passed another act by which Wheeling again became the seat of government, the people of that city having pledged themselves, in case of the removal, to erect a State House superior to the one at Charleston. They complied with this promise, and completed the structure in 1876, and Wheeling continued to be the capitol of the State for nine years.

**11. The Present State House.**—There was much dissatisfaction, and the people demanded that the

permanent location of the seat of government should be definitely settled. With this object in view, the Legislature passed an act on February 21st, 1877, submitting the question to a vote of the people. Three places, Clarksburg, Martinsburg and Charleston, were to be voted for, and the place receiving



STATE HOUSE ERECTED AT WHEELING.

the greatest number of votes was, on and after May 1st, 1885, to be the permanent seat of government of the State. Charleston was successful. The State House Company now transferred to the State lands and building, the aggregate cost of which was \$79,000.00. The work of remodeling and building began. The present State House was completed at a cost of \$389,923.35, including the donation from the State House Company, and was occupied by the State May 1st, 1885. See illustration facing title-page of this book.

**12. West Virginians Who Have Been Governors of Ohio.**—Men born on the soil of West Virginia

have won honor and distinction elsewhere, and of these, four were prominent governors of Ohio. All of them were born in what is now Berkeley and Jefferson counties. The first of these was Edward Tiffin, who went from Berkeley county to the Northwest Territory in 1796, and became the first governor of Ohio in 1803. Two young men accompanied him in his removal north of the Ohio. They were Thomas Worthington and Robert Lucas. The former became the chief executive of Ohio in 1816, and the latter in 1832. Another West Virginian was governor of that State in 1825. This was Jeremiah Morrow, who was born near Shepherdstown, in Jefferson county, now West Virginia, in 1771.

**13. The Peabody Education Fund.**—The liberality of George Peabody has exerted a mighty influence for good, and the money which has come to West Virginia from the Peabody Education Fund has accomplished much in advancing educational development. George Peabody was born in what is now the town of Peabody, Massachusetts, in 1795. He engaged in mercantile pursuits, and then in banking. He removed to London, England, in 1832, where he continued his banking operations and accumulated a large fortune. He was one of the greatest benefactors the world has ever known. He scattered his millions with a liberal hand, and almost every great charity in two hemispheres received gifts from his accumulations. He died in London in 1869, and a British man-of-war conveyed his remains to his native land.

**14. His Liberality to the Southern States.—**

George Peabody saw the Southern States of the American Union struggling to establish free schools, amid the ruin and wreck of Civil War, and by will, in 1867, he created the Peabody Educational Fund of \$2,100,000.00, and appointed a board of trustees, numbering sixteen members, with power to fill vacancies. This board invests this fund and uses the accumulations thereon, which are annually distributed to the States entitled to receive the same. From this source the State of West Virginia has, since 1869, received many thousand dollars.

**15. The Permanent or Irreducible School Fund.**

—This Fund exists under the provisions of the fourth section of the Twelfth Article of the Constitution of the State, it having been incorporated from the first Constitution. The basis of the Fund is what was known as the Literary Fund of Virginia, \$120,000.00 of which was invested in bank stock within the limits of this State at the time of its formation. On February 3d, 1863, an act was passed by the General Assembly of Virginia, under the Reorganized Government, which transferred to West Virginia all of the real and personal property belonging to Virginia, within the limits of the newly-created State. Thus West Virginia acquired a title to this bank stock, which has been made the basis of the Permanent School Fund, and which is now limited to a million dollars. By reference to the State Constitution, the nine different sources from which the Fund has been, or may be increased, will be readily seen. Only the interest on this Fund can be used.

**16. The General School Fund.**—This Fund differs greatly from the Permanent School Fund. It is created under the provisions of the sixty-first section of the School Law. The sources from which it is derived, are: First, a tax of ten cents on each \$100; second, the net proceeds of all fines; third, the proceeds of capitation tax, and fourth, the proceeds of the Permanent School Fund. Annually, on or before June 10th, the auditor ascertains the net amount of this Fund in the State Treasury for distribution, and informs the State Superintendent of Free Schools of the said amount. That official then makes an apportionment based upon the enumeration of school youth to the several counties of the State, and notifies the Auditor and County Superintendents of the said amounts. The last-named officials then apportion the said sums to the several districts of their counties.

**17. The West Virginia Educational Association.**—The first Teachers' Association held in the State, met at Fairmont in August, 1865, but a few months after the close of the Civil War. The session continued two days. The work was new, but of great interest. The second teachers' meeting convened at Clarksburg in the summer of 1866, at which time there was but a small attendance. Four years passed away before there was another meeting, and it was at Parkersburg in 1870, that "The West Virginia State Teachers' Association" was organized, and from that time until the present it has been the leading educational organization of the State, and at its annual meetings are gathered many of the men and women

who have made the school system of the State what it is to-day. At the fourth annual meeting held at Clarksburg, in 1874, the name of the organization was changed to that of "The West Virginia Educational Association."

**18. The Graded Course of Study for Country and Village Schools.**—The State of West Virginia leads in the work of grading and systematizing the educational system. School men had for years urged the necessity of a uniform plan of work in all the primary schools of the State, but this was not possible without legislative action requiring it. This was secured in 1891, when a law was enacted which required the State Superintendent of Free Schools, to prepare a manual and graded course of primary instruction, for use in the country and village schools. In compliance with this provision, a manual was printed in the same year, and in 1893 a new and enlarged edition was prepared, and the work of grading and classifying the country and village schools goes on rapidly, almost the entire teaching force of the State having engaged earnestly in its introduction.

**19. The Bluefield Colored Institute.—University Preparatory Schools.**—In 1895, the Legislature provided for another institution of learning for the colored youth of the State. This is the Bluefield Colored Institute at Bluefield in Mercer county. It was opened for students in the autumn of the ensuing year. Since then dormitories have been erected for both sexes and much has been accomplished for those for whom it was designed. In the same year, a Preparatory

Branch of the University was established at Montgomery in Fayette county, and the first students admitted in 1896. In 1901, provision was made for a similar school at Keyser, on the Potomac, in Mineral county. Both these institutions are designed to fit students to enter the University. Thus the State has continued to increase the usefulness of that institution. Of projected private schools the Ohio Valley College at Ravenswood and Elkins College in the town of Elkins are in process of development.

**20. The First Governor of West Virginia.**—On a bright Sunday morning—April 19, 1896—Ex-Governor Arthur I. Boreman, the first chief executive of



HON. ARTHUR I. BOREMAN.

West Virginia, died at his home in Parkersburg. He was born at Waynesburg, Pennsylvania, July 24, 1823, and early in childhood came with his parents to Tyler county where he grew to manhood. He received a common school education, studied law, was admitted to the bar in 1848 and began

practice in Parkersburg. In 1855, he represented Wood county in the General Assembly of Virginia, and by successive elections served therein until 1860. The next year he presided over the First Wheeling Convention which met to reorganize the Government of Virginia. Under this he was Judge of the Circuit Court, and June 21, 1863, when West Virginia was

admitted into the Union, he became the first governor of the State and as such served until 1869, when he was chosen to a seat in the United States Senate. When his term expired, he returned to Parkersburg; was again elected a Judge of the Circuit Court, and in this capacity was serving at the time of his death, having spent nearly thirty years on the bench.

**21. The West Virginia Industrial Home for Girls.**  
**—The West Virginia Asylum.**—In 1897, the State, having previously established the West Virginia Reform School for boys, provided for the West Virginia Industrial Home for Girls. It is located at Salem in Harrison county and is, as its name implies, designed to care for and educate girls from seven to eighteen years of age, who will not or cannot receive proper training elsewhere. The same year witnessed what was, perhaps, the most charitable action ever taken by the State. This was the creation of the West Virginia Asylum, which is located at Huntington, and is a home for the most unfortunate of all the State's people. The public moneys can never be expended for a more worthy purpose than the support of this institution. The class of persons admitted are epileptics, idiots, incurables, and all persons not insane or violent, who from accident, disease, or bodily infirmity, are deemed permanently incapacitated from earning a livelihood. Many an unfortunate there finds a home where the sorrows and sufferings of life are greatly relieved.

**22. West Virginia in the Spanish-American War.**  
**—The people of West Virginia have ever been ready**

to respond to the call to arms. Many men of the Revolution are buried within her borders; her pioneers were long engaged in the Indian wars; many of their sons served in the Second War with Great Britain; other men from the West Virginia hills were with Scott and Taylor in Mexico; and when the Civil War came, many thousands went to battle under the flag of the cause that seemed to them to be right. Hence, we are not surprised to learn that when the war with Spain came in 1898, and President McKinley called for one hundred and twenty-five thousand men for the volunteer army of the United States and asked for a West Virginia Regiment, Governor Atkinson issued "General Orders No. 1," requiring a regiment to be formed at Camp Lee, two miles above Charleston on the south side of the Kanawha river, to be known as the First Regiment West Virginia Volunteer Infantry. Men gathered from all over the State; B. D. Spilman was made Colonel; C. L. Smith, Lieutenant-Colonel; Rev. S. K. Arbuthnot, Chaplain; and the regiment hastened away to the training camp at Chickamauga Park, Tennessee. Speedily came the call from the President for another West Virginia Regiment, and Governor Atkinson issued "General Orders No. 7," for the formation of a Second Regiment West Virginia Volunteer Infantry. This was speedily done at Camp Atkinson, on the north bank of the Kanawha two miles below Charleston. D. T. E. Casteel was made Colonel; O'Brien Moore, Lieutenant-Colonel; and the regiment moved to the banks of the Susquehanna river and thence to Greenville,

South Carolina. Neither regiment was ordered out of the country; but if they had been taken to the West Indies, they would have proved themselves as brave as the men who were with Schley and Sampson at Santiago, or with Shafter at San Juan Hill.

**23. The Miners' Hospitals.**—West Virginia has become a great mining state, and railroads, engaged in transporting her coal and coke to market, extend in every direction along the valleys and mountain gorges. Many men are injured in these industries, and, that they might be properly cared for, the Legislature, in 1899, passed an act providing for the establishment of three Miners' Hospitals. Of these, one has been located at Welch in McDowell county; another at McKendree in Fayette county; and a third at Fairmont in Marion county. To them are admitted and treated, free of charge, all persons injured in this State as employees on a railroad train or in a coal mine, or in the coal business. When there is room such other persons as have been injured may be admitted at the actual cost of treatment; but preference is given to mine and railroad employees.

**24. The Red Ash Mine Disaster.**—On the morning of the 6th of March, 1900, a gas explosion occurred in the Red Ash Mine, situated on the south side of New River in Fayette county, in which forty-six persons lost their lives and three others were badly injured. The victims were not burned to death, but were killed by being hurled violently by the force of the explosion. Skulls were fractured and limbs broken—some in many places. So great was this

force that the air driven out of the mine piled the coal cars in heaps in front of its entrance. That day there was a sad scene there. Many hundreds of people gathered to view the bruised and blackened bodies as they were brought out to the light, and in addition to the weeping of mothers and sisters there was heard the wailing of twenty-four fatherless children, made such by the awful disaster. Fourteen persons were killed by an explosion in the Berryburg Mine in Barbour county, November 2, 1900; and ten persons lost their lives in a similar manner in the Farmington Shaft Mine, in Marion county, May 15, 1901; but the disaster of the Red Ash Mine was the most direful calamity that had ever befallen the mining industry of the State.

**25. The State Loses Many Prominent Men.**—The first years of the new century have witnessed the passing away of many distinguished men, some of whom saw the birth of the State more than forty years ago. General James A. J. Lightburn, of Lewis county, died May 18, 1900, in the seventy-fifth year of his age. He was a soldier in the Mexican War, and in the Civil War rose to the rank of General in the Federal Army. In 1862, he conducted the retreat of a brigade from the Great Kanawha Valley before the advance of a Confederate army under General William W. Loring, and brought out to the Ohio river a wagon train seven miles long and hauling government stores valued at a million dollars. "Lightburn's Retreat," a most successful movement, will ever fill a most important place in the

military history of the State. It was in recognition of this service that he was promoted to the rank of brigadier-general. In 1902, another distinguished soldier of the State—General Isaac Hardin Duval—fell by the hand of death at his home in Brooke county, where he was born September 1, 1824. He went to California at the time of the discovery of



GENERAL ISAAC H. DUVAL.

gold on the Pacific coast, but later returned to his native state. At the beginning of the Civil War he entered the Federal Army as Major of the First West Virginia Volunteer Infantry; then became Colonel of the Ninth Regiment; and, because of meritorious conduct, passed through all the grades of promotion to that of Brevet-Major-General at the close of the war. He was twice severely wounded and had several horses killed under him in battle. He was a State Senator in 1866; Adjutant-General of the State in 1867; was elected to a seat in Congress in 1868; served one term as Assessor of Internal Revenues; was collector of the same for twelve years; a member of the Legislature from Brooke county in 1887; and a West Virginia Commissioner to the Washington Inaugural Centennial Celebration in New York, in 1889. The same year, Doctor John P. Hale died in Charleston where he had spent more than fifty years of his life. In this time

he had been engaged in almost every important business enterprise of the State. A thorough scholar, he devoted much time in the latter years of his life to literary pursuits, and he will be known longest and best by his "Trans-Allegheny Pioneers," a work which has been widely read, and is extensively quoted by careful historians. On the 8th of November of the same year, Judge Ralph L. Berkshire passed from among the living at his home in Morgantown, to which place he had been brought, in infancy, by his parents in 1817. There his life was spent and nearly all his mature years devoted to his profession—that of law. He was a Judge of the Circuit Court of Morgantown District under the Restored Government of Virginia—1861-3, and in the latter year was elected a Judge of the Supreme Court of Appeals, of which body he became the first presiding officer. In the evening of February 5, 1903, Judge Edwin Maxwell, of Clarksburg, died at Charleston while representing Harrison county in the Legislature of the State. He was born in Lewis county, 1825, and was a lawyer by profession. In 1863, he was elected a member of the first West Virginia Senate; in 1866, became Attorney-General of the State, and in the autumn of the same year was elected a Judge of the Supreme Court of Appeals. In 1884, he was the candidate of his political party for Governor, and four years later was again a member of the State Senate. In June, 1903, the labors of Judge Okey Johnson, Dean of the Law Department of the State University, were ended by death. He was born in

Tyler county, March 24, 1834; attended high school at Marietta, Ohio, and was graduated from the Law Department of Harvard University in 1858, and located for the practice of law at Parkersburg. In 1870 he was a member of the State Senate, and two years thereafter was chosen to a seat in the convention which framed the second constitution of the State. In 1876, he was elected a Judge of the Supreme Court of Appeals on the bench of which he served twelve years, for six of which he was presiding officer of that body. Still another who had been active in public affairs ended his life September 12, 1903, at his home in Charleston. This was Benjamin W. Byrne. He was born in what is now Braxton county, May 16, 1820. He received a common school education, then attended Kingwood Academy, and, later, a law school at Staunton, Virginia. He was admitted to the bar in 1848, and the same year was elected a member of the Virginia Assembly. He was a member of the same body in 1858, and occupied a seat in the Convention at Richmond in 1861 which adopted the Ordinance of Secession, against which measure he voted. After the war he returned to Clay county which he had been instrumental in having created. In 1872, he was a member of the Constitutional Convention, and the same year was elected State Superintendent of Free Schools. In 1882, he was elected to the State Senate and ten years later was appointed, by Governor Fleming, to secure the passage of an act by the Virginia Assembly, permitting the transfer to West Virginia of such title papers as still remained

in the old State relating to lands in West Virginia, and the copying of those which could not be thus transferred. His mission was entirely successful.

**26. History, Fiction and Poetry.**—Within the past few years, West Virginia authors have been busy and a number of volumes have been added to the literature of the State. In historical research Gibson L. Cranmer, William P. Willey and Bishop George W.



MARSHALL S. CORNWELL.

Peterkin have been most active. In fiction, Lena Leota Johnston, Mrs. Alex McVeigh Miller, Granville Davisson Hall, Oren F. Morton, Minnie Reid French, and A. F. Hill have been the most liberal contributors. While in poetry we have the works of Marshall S. Cornwell,\* Howard L. Swisher,

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\* Marshall S. Cornwell was born in Hampshire county, October 18, 1871, and grew to manhood on a farm. He was widely read and the possessor of a remarkable memory. The best part of his education came from his close observance of human nature. On leaving the old home, he published a newspaper at Petersburg in Grant county and then at Elkins in Randolph county. But disease came and he sought relief elsewhere. Thus it was that some of his poems were written while he was wandering face to face with death on the shore-lands of Florida or on the banks of the Rio Grande. Then coming home to die he found that peace and sank into that repose which he had seen in his "Dream of Rest." His remains repose in Indian Mound Cemetery at Romney on the banks of the South Branch of the Potomac. His volume of poems, "Wheat and Chaff," published posthumously is his best and most enduring monument.

Edward B. Kenna, John G. Gittings, Dudley H. Davis and Pat Kenney. To science George W. Atkinson has contributed a volume entitled "Psychology Simplified."

### **27. State Uniformity in Examination of Teachers.**

—For a number of years the subject of State Uniformity in the examination of teachers was discussed at teachers' institutes and educational associations; in 1903, the Legislature passed an act requiring the State Superintendent of Free Schools to fix dates, prescribe rules and regulations for the control of county boards of examiners; prepare questions and transmit them under seal to the county superintendents who open these in the presence of the assembled applicants and the members of boards of examiners, who then conduct the examination in accordance with the prescribed rules and regulations and send the manuscripts, under seal, to the State Superintendent who causes them to be graded, issues certificates based thereon and sends same to applicants.

**28. An Official State Flower.**—The subject of an official State Flower was long a theme for discussion among teachers and others interested in our school work, but this did not take form until 1901, when Governor Atkinson in his message to the Legislature recommended the adoption of a State Flower, and suggested the Rhododendron, or Big Laurel as being most appropriate. Then Thômas C. Miller, State Superintendent of Free Schools, became much interested, and under his direction, the school children of the State, on the 26th of November, 1902, voted upon

the question of selection. There were 35,854 votes cast of which 19,131 were for the laurel, 3,663, for the honeysuckle; 3,387, for the wild rose; 3,162, for the goldenrod, and the remainder for various other flowers. Then Governor White, in his message to the Legislature in 1903, referred to the recommendation of his predecessor and the action of the children, both of which he approved, and on the 8th day of January, 1903, the Legislature adopted Joint Resolution No. 8, as follows:

“Resolved by the Legislature of West Virginia—That the *Rhododendron*, or Big Laurel, be and it is hereby designated as the official State Flower to be used as such at all proper times and places.”

Thus was the bloom of the mountain laurel which covers the bank of many a rapid stream and rushing torrent, made the official flower of the State.

**29. The West Virginia Commission of the Louisiana Purchase Exposition.**—West Virginia derived great good from the exhibition of her great natural resources at the Centennial Celebration at Philadelphia in 1876; and at the Columbian Exposition at Chicago in 1893. When, therefore, it was learned that the Louisiana Purchase Exposition—the greatest of all the world’s expositions—was to be held at St. Louis in 1904, Governor White on the 11th of January of the preceding year, appointed a West Virginia Commission composed of N. E. Whitaker, of Ohio county; A. H. Winchester, of Upshur county; C. E. Gerwig, of Wood county; John T. McGraw, of Taylor county; Fred Paul Grosscup, of Kanawha county;

F. S. Landstreet, of Randolph county; and Eli Ensign, of Cabell county. Of the last two named, the former declined and the latter died; and the governor filled the vacancies by the appointment of Frank Cox, of Monongalia county, and Darwin E. Abbott, of Cabell county. The Legislature appropriated fifty thousand dollars, and the Commission, recognizing the State's province in the business world, went to work earnestly to make her resources more widely known. A West Virginia Building, costing twenty thousand dollars, was erected on the World's Fair Grounds; and space secured for the exhibit of the products of our mines, forests, factories, and fields. How much this will be worth to us will be seen in the future, as our resources continue to develop.

**30. West Virginia at Another World's Fair.**—The year 1907 was the three hundredth anniversary of the founding of Jamestown, in Virginia, the oldest permanent English settlement in America. A great World's Fair was planned in commemoration of this event, to be held on the shores of Hampton Roads, Virginia. Other States and Nations prepared to make exhibits, and the West Virginia Legislature appropriated \$50,000 for this purpose. Governor W. M. O. Dawson appointed a Jamestown Exposition Commission consisting of Hon. Stephen B. Elkins, Hon. A. Brooks Fleming, Hon. William A. MacCorkle, Judge George W. Atkinson, Hon. Albert B. White, and Hon. Frederick M. Staunton. This Commission organized by the election of Mr. Elkins as President, and Hon. Virgil A. Lewis, Secretary. Later Mr. MacCorkle and Mr. Staunton resigned, and Mr. Lewis and Hon. Newton Ogden were appointed to fill these vacan-

cies. July 23, 1907, Mr. Lewis resigned as Secretary, and Dr. George Lounsbery was elected to fill this position. A "West Virginia Building" was erected on the grounds, a great coal column erected; and historical, educational, and horticultural exhibits were shown. Indeed it may be said that the display made by the State at this Exposition was equal to that of any other State, and was highly creditable to all of our people.

**31. A Terrible Mine Disaster.**—The most terrible disaster in the whole history of the mining industry in West Virginia—indeed in that of the United States—occurred at Monongah, in Marion county, on the 6th of December, 1907. By it 362 lives were lost. Of the dependents—widows, mothers, and orphans—462 resided at Monongah, and 339 in other States and in Europe. Contributions in aid of these came from many sources in West Virginia, and in other States and Nations, until the sum received amounted to \$154,360.10, all of which was judiciously expended in aid of the dependents. In this we have a dire disaster and a noble charity combined.

**32. Eminent West Virginians Pass Away.**—Recently a number of prominent citizens have passed from among the living, among them being the following: Hon. Clark W. May, Attorney-General of the State, who died at his home in Lincoln county, April 25, 1908, as a result of injuries caused by the running away of his horse. He was a man of strong character and a learned lawyer. In the same year and month, Hon. Johnson N. Camden passed away at his home in Parkersburg. He had done much to develop the railroad interests and nat-

ural resources of the State, which he had represented in the United States Senate from 1881 to 1887, and again from 1893 to 1895. Hon. James C. McGrew died at his home at Kingwood, Preston county, September 18, 1910, near which place he was born ninety-four years and four days before. He was the last surviving member of the Virginia Convention of 1861, which adopted the Ordinance of Secession, and was one of the fifty-five members who voted against it. He was a member of the First Legislature of West Virginia, and as such helped to organize the new State government. He was elected to a seat in the National House of Representatives in 1868, and served through the Forty-first and Forty-second Congresses. Hon. Stephen Benton Elkins, of Randolph county, passed from among the living at his home in Washington city, January 5, 1911, in the seventieth year of his age. No other man had done more to promote the industrial and commercial interests of the State than he. In December, 1891, President Harrison appointed him to the position of Secretary of War, and at the time of his death he had most honorably represented the State in the United States Senate for sixteen consecutive years. The town of Elkins, the seat of justice of Randolph county, bears his name. At one o'clock a. m., June 1, 1911, Dr. A. J. Lyons, Superintendent of the Second Hospital for the Insane, at Spencer, died at that place, and was mourned by the citizenship of the State.

**33. Conclusion.**—The story of West Virginia is completed. We have seen how savage tribes once dwelt within the present limits of the State, or roamed over its then wild domain. We have seen how white men came

and occupied the land, and how from the first settlement in 1726-7, they were subjects of the King of England for fully fifty years, when Virginia became an independent State, and they were citizens of that Commonwealth until 1863—a period of eighty-seven years—when West Virginia began her career as one of the States of the Union, and since that time we have seen her advance to the front rank of the States comprising the United States of America.



## PART II.

# THE GOVERNMENT OF WEST VIRGINIA.

## CHAPTER I.

### THE RELATION OF THE STATE TO THE NATIONAL GOVERNMENT.

**1. The Nation.**—The supreme power in the United States is vested in the General Government, with its three branches; Legislative, Executive and Judicial, and it is thus established upon the true federative principle. The authority of the General Government, however, is restricted to the powers expressly conferred on it by the Constitution; all other powers being reserved to the States or the people.

**2. The State.**—The States, also, are sovereign within their own limits, over all questions not expressly assigned to the General Government. Instead of conflict of authority there is true harmony. The people elect the members of both National and State Legislatures and Executives, and both are equally employed in attending to the interests of the people confided to their care; the first to general, the second to local interests. All the members and officers of each are the servants of the sovereign people.

**3. The Nation and the State.**—There are many people who do not appear to understand that they are living under two different governments, having two

codes of laws, enforced by two separate classes of officials. We all live under the United States Government, and on the soil of the United States, and are all bound to obey the laws of the United States, which are the supreme laws of the land, any law or ordinance of any State to the contrary notwithstanding. If a person violates any United States law he is arrested on a warrant issued by a United States Judge or Commissioner. The Commissioner is a committing Magistrate, and, upon probable cause, can hold an accused person to bail to answer to any indictment that may be found by a United States Grand Jury. Upon indictment the accused is tried by a jury in a United States Court, and, if found guilty, is sentenced to the penalty imposed by law. If the sentence is death, he is executed by the United States marshal; if it is imprisonment, he is sent to the prison of any State with which the United States has made a contract to receive and care for prisoners. For an offense committed in West Virginia against a United States law, the offender may be sent to the State prison of Kentucky, Rhode Island or Oregon, by agreement with either Commonwealth.

**4. Execution of the Federal Law.**—The United States Judges, Commissioners, District Attorneys and Marshals are appointed by the President, with the consent of the Senate. If resistance is made to the Marshal in the execution of any writ or warrant, he may call upon the bystanders to aid him. If resisted by combinations too powerful to be overcome without military force he reports to the Attorney-General,

and the President, being then informed of the situation, orders United States regular troops to the scene, to the extent of the entire army, if necessary. He does not ask the Governor or any other local authority whether this will be agreeable or not. They have nothing to say about it. The United States is all the time present on every foot of its territory, and is never an outsider knocking at a State's door. The President, on such occasions as we have described, is enforcing the laws of the United States within the United States. If there is an insurrection against the State of West Virginia, or any other Commonwealth, the President cannot interfere until requested by the State unless the State Government has subverted the republican form, or is too feeble to maintain it. In that case the people of the State would be guaranteed a republican form of government by the United States, as promised by the Constitution.

### **5. West Virginia and the United States Courts.**

—The highest Judicial body in our country is the United States Supreme Court. The United States are divided into nine Judicial Circuits, in each of which one of the Judges of the Supreme Court presides, and for which two or more Circuit Judges are appointed. The Fourth Circuit comprises West Virginia, Virginia, Maryland, North and South Carolina. A United States Circuit Court of Appeals, created in 1891, is held in each of the nine Judicial Circuits. For the Fourth Circuit two Circuit Judges are appointed, one of the first having been Nathan Goff of West Virginia. Then the State

comprises two Judicial Districts called the Northern and Southern Districts of West Virginia. Judge John J. Jackson of the former was appointed to the District Judgeship in 1863, when the State was but one District. This continued until 1901, when the Federal business had increased to such an extent that the new Southern District was formed, and President McKinley appointed Benjamin F. Kellar, Judge thereof. He held the first term of his court at Charleston, beginning July 1st of that year. All Judges of the United States Courts are appointed by the President, for life or during good behavior. The other officials are appointed by him to serve four years, or at his pleasure. For a violation of the revenue or postal laws, and for numerous other offenses committed within the State of West Virginia, the offenders are brought to trial in the United States Courts.

## CHAPTER II.

### THE STATE GOVERNMENT.

1. What is a State?—In our country the term *State* is applied to each of the several Commonwealths composing the Union, while the word *Nation* is used to embrace the whole people included within the jurisdiction of the Federal Government. It is not thousands of square miles of territory that make a State. It is not thousands of people residing in this territory that make the State. Nor is it the two combined which make it, for each one is but an element of the State; but when these people establish a Government strong enough to protect them from outside wrong and disorder within, then the State arises. Then the word State means the people in their collective capacity. Thus the 24,715 square miles of territory; the people residing thereon, and the government they have formed; these three elements compose the State of West Virginia. Thus we speak of the area of the State; the population of the State, and the government of the State. Such an organization as this forms a part of the Federal Republic, and is modeled after it.

2. What is Government?—Government is that form of rules and principles by which a State—that is the People—are governed. It is the sum of authorities which rule the People, or, it may be defined to be the authority by which the rights and duties of

citizens and public officers are prescribed and defined. When these rules of action are enforced, there is a *power* which rules the community, and this power is called *Government*. Therefore, the authority to govern is vested in the whole number of office-holders upon whom devolves the legislative, executive, judicial, and administrative business of the State. The people elect these officers, and thus govern themselves by deciding for the time who shall make and administer the laws.

**3. What is a Constitution ?**—The government of a State is provided for in its *Constitution* which is framed by representatives of the people, who assemble in Convention for that purpose, and it is then ratified and adopted by the people. Thus, the people make their own Constitution, and they may put anything in it they please that is not in opposition to the Federal Constitution, which is the supreme law of the land. A Constitution is therefore a form of Government ordained and established by the People in their sovereign or all-powerful capacity. It is the first or highest law of a State, containing the principles upon which the government is founded, and regulating the exercise of powers, and directing to what bodies or persons these powers shall be confided, and the manner of their administration. Our Constitution then is the basis of our State Government and falls strictly within the definition of law. It is the law which must guide the actions of all departments and officials of the Government, until it is changed by the people; that is, by the same power that established it.

**4. What is a Law?**—There must be rules for the government of men, and these rules are called *laws*. Man, as soon as he begins his existence, is subject to natural laws; when he comes into social intercourse with his fellow beings, he is brought under the influence of moral law, and as soon as he has learned right from wrong, he becomes a subject of the civil or State law, and of the laws of the United States as well. These laws he must obey or suffer the penalty, for a law is but a rule of action prescribed by the Supreme Power of the State—the People—commanding what is right and prohibiting what is wrong. This is the object of every law which has been enacted in West Virginia.

**5. What is a Statute?**—A statute is a law established by an Act of the Legislature, expressed according to the forms necessary to give it the force of a law of the State. A general statute is one that applies to the whole people of a State, while a local statute is one which applies only to a part of the citizens of the State. Statutes are called Acts of the Legislature, and if any part thereof is in opposition to the provisions of the State Constitution, it is void and of no effect. Every act of the Legislature must be preceded by the clause "*Be it enacted by the Legislature of West Virginia,*" this being the enacting clause of all our statutes.

**6. The Law-Making Power.**—The Constitution vests all law-making powers in the legislature, which body consists of two branches, the Senate and House of Delegates. Each of these bodies elects its own officers, and makes rules for its own government;

each punishes its own members for disorderly conduct; each originates bills, and performs legislative functions, each passes, amends, or rejects bills originating in the other House; each, voting separately, passes a bill over the Governor's veto, if the action have a majority in both Houses. The House of Delegates prepares articles of impeachment, and prosecutes the same before the Senate. The Legislature—the Senate and House of Delegates jointly—elect United States Senators; counts the vote and declares the result of elections of State officials, and holds biennial sessions. Regular sessions begin on the second Wednesday in January and continue but forty-five days, unless extended by a two-thirds vote of the members elected to each House. Special sessions convene on call of the Governor.

**7. A Study of the Constitution.**—The Constitution of West Virginia is the most important State Document, and every citizen should read it carefully; every teacher in the State should be familiar with its provisions, all of which should be thoroughly taught to the school children of the State, who are so soon to assume the duties and responsibilities of citizenship under it. Soon they are to be entrusted with every governmental and business interest of the State, and they should be prepared for this by a careful reading and study of the Constitution which here follows. How many, after having done so, can answer the five hundred and thirty questions which have been placed after it, that this important document may be the more readily understood?

CONSTITUTION  
OF THE  
STATE OF WEST VIRGINIA

Adopted in 1872,

AS AMENDED AND NOW IN FORCE.

ARTICLE.

1. Relations to the government of the United States.
2. The State.
3. Bill of Rights.
4. Elections and officers.
5. Division of powers.
6. Legislature.
7. Executive Department.

ARTICLE.

8. Judiciary Department.
9. County organization.
10. Taxation and Finance.
11. Corporations.
12. Education.
13. Land titles.
14. Amendments — how may be made

ARTICLE I.

RELATIONS TO THE GOVERNMENT OF THE UNITED STATES.

I. The State of West Virginia is, and shall remain, one of the United States of America. The Constitution of the United States of America, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.

2. The Government of the United States is a government of enumerated powers, and all powers not delegated to it, nor inhibited to the States, are reserved to the States, or to the people thereof. Among the powers so reserved to the States is the exclusive regulation of their own internal government and police; and it is the high and solemn duty of the several

departments of government, created by this Constitution, to guard and protect the people of this State from all encroachments upon the rights so reserved.

3. The provisions of the Constitution of the United States, and of this State, are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism.

4. For the election of representatives to Congress, the State shall be divided into districts, corresponding in number with the representatives to which it may be entitled, which districts shall be formed of contiguous counties, and be compact. Each district shall contain, as nearly as may be, an equal number of population, to be determined according to the rule prescribed in the Constitution of the United States.

## ARTICLE II.

### THE STATE.

I. The territory of the following counties, formerly parts of the Commonwealth of Virginia, shall constitute and form the State of West Virginia, viz.:

The counties of Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie,

Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming. The State of West Virginia includes the bed, bank and shores of the Ohio river, and so much of the Big Sandy river as was formerly included in the Commonwealth of Virginia; and all territorial rights and property in, and jurisdiction over the same, heretofore reserved by, and vested in, the Commonwealth of Virginia, are vested in and shall hereafter be exercised by the State of West Virginia. And such parts of said beds, banks and shores, as lie opposite and adjoining the several counties of this State, shall form parts of said several counties respectively.

2. The powers of government reside in all the citizens of the State, and can be rightfully exercised only in accordance with their will and appointment.

3. All persons residing in this State, born or naturalized in the United States, and subject to the jurisdiction thereof, shall be citizens of this State.

4. Every citizen shall be entitled to equal representation in the government, and, in all apportionments of representation, equality of numbers of those entitled thereto shall, as far as practicable, be preserved.

5. No distinction shall be made between resident aliens and citizens, as to the acquisition, tenure, disposition or descent of property.

6. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two

witnesses to the same overt act, or on confession in open court. Treason shall be punished according to the character of the acts committed, by the infliction of one, or more, of the penalties, of death, imprisonment or fine, as may be prescribed by law.

7. The present seal of the State with its motto, "*Montani Semper Liberi*," shall be the great seal of the State of West Virginia, and shall be kept by the Secretary of State, to be used by him officially, as directed by law.

8. Writs, grants and commissions issued under the authority of this State shall run in the name of, and official bonds shall be made payable to, the State of West Virginia. Indictments shall conclude, "Against the peace and dignity of the State."

### ARTICLE III.

#### BILL OF RIGHTS.

1. All men are, by nature, equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely: the enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety.

2. All power is vested in, and consequently derived from the people. Magistrates are their trustees and servants, and at all times amenable to them.

3. Government is instituted for the common benefit, protection and security of the people, nation or community. Of all its various forms that is the best,

which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter or abolish it in such manner as shall be judged most conducive to the public weal.

4. The privilege of the writ of *habeas corpus* shall not be suspended. No person shall be held to answer for treason, felony or other crime not cognizable by a justice, unless on presentment or indictment of a grand jury. No bill of attainder, *ex post facto* law, or law impairing the obligation of a contract, shall be passed.

5. Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishment inflicted. Penalties shall be proportioned to the character and degree of the offense. No person shall be transported out of, or forced to leave the State for any offense committed within the same; nor shall any person, in any criminal case, be compelled to be a witness against himself, or be twice put in jeopardy of life or liberty for the same offense.

6. The right of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be seized.

7. No law abridging the freedom of speech, or of the press, shall be passed; but the Legislature may by suitable penalties, restrain the publication or sale of obscene books, papers or pictures, and provide for the punishment of libel, and defamation of character, and for the recovery, in civil actions, by the aggrieved party, of suitable damages for such libel, or defamation.

8. In prosecutions, and civil suits for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous, is true, and was published with good motives, and for justifiable ends, the verdict shall be for the defendant.

9. Private property shall not be taken or damaged for public use without just compensation; nor shall the same be taken by any company, incorporated for the purposes of internal improvement, until just compensation shall have been paid, or secured to be paid, to the owner; and when private property shall be taken, or damaged, for public use, or for the use of such corporations, the compensation to the owner shall be ascertained in such manner, as may be prescribed by general law; *Provided*, that when required by either of the parties, such compensation shall be ascertained by an impartial jury of twelve freeholders.

10. No person shall be deprived of life, liberty, or property, without due process of law, and† the judgment of his peers.

11. Political tests, requiring persons, as a prerequisite to the enjoyment of their civil and political

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† The word *and* construed to mean *or*. See 27 W. Va. 275.

rights, to purge themselves by their own oaths of past alleged offenses, are repugnant to the principles of free government, and are cruel and oppressive. No religious or political test-oath shall be required as a prerequisite or qualification to vote, serve as a juror, sue, plead, appeal, or pursue any profession or employment. Nor shall any person be deprived by law, of any right, or privilege, because of any act done prior to the passage of such law.

12. Standing armies in time of peace should be avoided as dangerous to liberty. The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

13. (As amended—see Acts 1879, p. 182.) In suits at common law, where the value in controversy exceeds twenty dollars exclusive of interest and costs, the right of trial by jury, if required by either party, shall be preserved; and in such suit before a justice a jury may consist of six persons. No fact tried by a jury shall be otherwise re-examined in any case than according to the rules of the common law.

14. Trials of crimes and of misdemeanors, unless herein otherwise provided, shall be by a jury of twelve men, public, without unreasonable delay, and in the county where the alleged offense was committed,

unless upon petition of the accused, and for good cause shown, it is removed to some other county. In all such trials, the accused shall be fully and plainly informed of the character and cause of the accusation, and be confronted with the witnesses against him, and shall have the assistance of counsel, and a reasonable time to prepare for his defense; and there shall be awarded to him compulsory process for obtaining witnesses in his favor.

15. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess, and by argument, to maintain their opinions in matters of religion; and the same shall, in no wise, affect, diminish or enlarge their civil capacities; and the Legislature shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves, or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support such private contract as he shall please.

16. The right of the people to assemble in a peaceable manner, to consult for the common good, to

instruct their representatives, or to apply for redress of grievances, shall be held inviolate.

17. The courts of this State shall be open, and every person, for an injury done to him, in his person, property or reputation, shall have remedy by due course of law; and justice shall be administered without sale, denial or delay.

18. No conviction shall work corruption of blood or forfeiture of estate.

19. No hereditary emoluments, honors or privileges shall be granted or conferred in this State.

20. Free government and the blessings of liberty can be preserved to any people only by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

## ARTICLE IV.

### ELECTIONS AND OFFICERS.

1. The male citizens of the State shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the State for one year, and of the county in which he offers to vote, for sixty days next preceding such offer, shall be permitted to vote while such disability continues; but no person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed therein.

2. In all elections of the people, the mode of voting shall be by ballot; but the voter shall be left free to vote by either open, sealed or secret ballot, as he may elect.

3. No voter, during the continuance of an election at which he is entitled to vote, or during the time necessary and convenient for going to and returning from the same, shall be subject to arrest upon civil process, or be compelled to attend any court, or judicial proceeding, as a suitor, juror or witness; or to work upon the public roads; or, except in time of war or public danger, to render military service.

4. No person, except citizens entitled to vote, shall be elected or appointed to any State, county or municipal office; but the Governor and Judges must have attained the age of thirty, and the Attorney-General and Senators the age of twenty-five years, at the beginning of their respective terms of service; and must have been citizens of the State for five years next preceding their election or appointment, or to be citizens at the time this Constitution goes into operation.

5. Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the Constitution of the United States and the Constitution of this State, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment; and no other oath, declaration, or test shall be required as a qualification, unless herein otherwise provided.

6. All officers elected or appointed under this Constitution, may, unless in cases herein otherwise provided for, be removed from office for official misconduct, incompetence, neglect of duty or gross immorality, in such manner as may be prescribed by general laws, and unless so removed they shall continue to discharge the duties of their respective offices until their successors are elected, or appointed, and qualified.

7. (As Amended — See Acts 1883, p. 137.) The general elections of state and county officers, and of members of the legislature, shall be held on the Tuesday next after the first Monday in November, until otherwise provided by law. The term of such officers, not elected, or appointed to fill a vacancy, shall, unless herein otherwise provided, begin on the first day of January; and of the members of the legislature, on the first day of December next succeeding their election. Elections to fill vacancies, shall be for the unexpired term. When vacancies occur prior to any general election, they shall be filled by appointments, in such manner as may be prescribed herein, or by general law, which appointments shall expire at such time after the next general election as the person so elected to fill such vacancy shall be qualified.

8. The Legislature, in cases not provided for in this Constitution, shall prescribe, by general laws, the terms of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed and removed.

9. Any officer of the State may be impeached for mal-administration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of Delegates shall have the sole power of impeachment. The Senate shall have the sole power to try impeachments, and no person shall be convicted without the concurrence of two-thirds of the members elected thereto. When sitting as a court of impeachment, the President of the Supreme Court of Appeals, or, if from any cause it be improper for him to act, then any other judge of that court, to be designated by it, shall preside; and the Senators shall be on oath or affirmation, to do justice according to law and evidence. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under the State; but the party convicted shall be liable to indictment, trial, judgment, and punishment, according to law. The Senate may sit during the recess of the Legislature for the trial of impeachments.

10. Any citizen of this State who shall, after the adoption of this Constitution, either in or out of the State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as second or knowingly aid or assist in such duel, shall, ever thereafter, be incapable of holding any office of honor, trust or profit in this State.

11. The Legislature shall prescribe the manner of conducting and making returns of elections, and of determining contested elections; and shall pass such

laws as may be necessary and proper to prevent intimidation, disorder or violence at the polls, and corruption or fraud in voting, counting the vote, ascertaining or declaring the result, or fraud in any manner, upon the ballot.

12. (As amended in 1902—see Acts of 1901, p. 457.) The Legislature shall enact proper laws for the registration of all qualified voters in the State.

## ARTICLE V.

### DIVISION OF POWERS.

1. The Legislative, Executive and Judicial Departments shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to the Legislature.

## ARTICLE VI.

### LEGISLATURE.

1. The legislative power shall be vested in a Senate and House of Delegates. The style of their Acts shall be, "Be it enacted by the Legislature of West Virginia."

2. The Senate shall be composed of twenty-four, and the House of Delegates of sixty-five members, subject to be increased according to the provisions hereinafter contained.

3. Senators shall be elected for the term of four years, and Delegates for the term of two years. The

Senators first elected, shall divide themselves into two classes, one Senator from every district being assigned to each class; and of these classes, the first to be designated by lot in such manner as the Senate may determine, shall hold their seats for two years; and the second for four years, so that after the first election one-half of the Senators shall be elected biennially.

4. For the election of Senators, the State shall be divided into twelve Senatorial Districts, which number shall not be diminished, but may be increased as hereinafter provided. Every district shall elect two Senators, but, where the district is composed of more than one county, both shall not be chosen from the same county. The districts shall be compact, formed of contiguous territory, bounded by county lines, and, as nearly as practicable, equal in population, to be ascertained by the census of the United States. After every such census, the Legislature shall alter the Senatorial Districts, so far as may be necessary to make them conform to the foregoing provision.

5. Until the Senatorial Districts shall be altered by the Legislature as herein prescribed, the counties of Hancock, Brooke and Ohio shall constitute the first Senatorial District; Marshall, Wetzel and Marion, the second; Ritchie, Doddridge, Harrison, Gilmer and Calhoun, the third; Tyler, Pleasants, Wood and Wirt, the fourth; Jackson, Mason, Putnam and Roane, the fifth; Kanawha, Clay, Nicholas, Braxton and Webster, the sixth; Cabell, Wayne, Lincoln, Boone, Logan, Wyoming, McDowell and Mercer, the

seventh; Monroe, Greenbrier, Summers, Pocahontas, Fayette and Raleigh, the eighth; Lewis, Randolph, Upshur, Barbour, Taylor and Tucker, the ninth; Preston and Monongalia, the tenth; Hampshire, Mineral, Hardy, Grant and Pendleton, the eleventh; Berkeley, Morgan and Jefferson, the twelfth.

6. For the election of Delegates, every county containing a population of less than three-fifths of the ratio of representation for the House of Delegates, shall, at each apportionment, be attached to some contiguous county or counties, to form a Delegate District.

7. After every census the Delegates shall be apportioned as follows: The ratio of representation for the House of Delegates shall be ascertained by dividing the whole population of the State by the number of which the House is to consist and rejecting the fraction of a unit, if any, resulting from such division. Dividing the population of every Delegate District, and of every county not included in a Delegate District, by the ratio thus ascertained, there shall be assigned to each a number of Delegates equal to the quotient obtained by this division, excluding the fractional remainder. The additional delegates necessary to make up the number of which the House is to consist, shall then be assigned to those Delegate Districts and counties, not included in a Delegate District, which would otherwise have the largest fractions unrepresented; but every Delegate District, and county not included in a Delegate District, shall be entitled to at least one delegate.

8. Until a new apportionment shall be declared, the counties of Pleasants and Wood shall form the first Delegate District and elect three Delegates: Ritchie and Calhoun the second, and elect two Delegates; Barbour, Harrison and Taylor the third, and elect one Delegate; Randolph and Tucker the fourth, and elect one Delegate; Nicholas, Clay and Webster the fifth, and elect one Delegate; McDowell and Wyoming the sixth, and elect one Delegate.

9. Until a new apportionment shall be declared the apportionment of Delegates to the counties not included in Delegate Districts, and to Barbour, Harrison and Taylor counties, embraced in such districts, shall be as follows:

To Barbour, Boone, Braxton, Brooke, Cabell, Doddridge, Fayette, Hampshire, Hancock, Jackson, Lewis, Logan, Greenbrier, Monroe, Mercer, Mineral, Morgan, Grant, Hardy, Lincoln, Pendleton, Putnam, Roane, Gilmer, Taylor, Tyler, Upshur, Wayne, Wetzel, Wirt, Pocahontas, Summers and Raleigh counties, one Delegate each.

To Berkeley, Harrison, Jefferson, Marion, Marshall, Mason, Monongalia and Preston counties, two Delegates each.

To Kanawha county, three Delegates.

To Ohio county four Delegates.

10. The arrangement of the Senatorial and Delegate Districts, and apportionment of Delegates, shall hereafter be declared by law, as soon as possible after each succeeding census, taken by authority of the United States. When so declared they shall apply to the first

general election for members of the Legislature to be thereafter held, and shall continue in force unchanged until such districts shall be altered, and Delegates apportioned, under the succeeding census.

11. Additional territory may be admitted into, and become part of this State, with the consent of the Legislature and a majority of the qualified voters of the State, voting on the question. And in such case provision shall be made by law for the representation thereof in the Senate and House of Delegates, in conformity with the principles set forth in this Constitution. And the number of members of which each House of the Legislature is to consist, shall thereafter be increased by the representation assigned to such additional territory.

12. No person shall be a Senator or Delegate who has not for one year next preceding his election, been a resident within the district or county from which he is elected; and if a Senator or Delegate remove from the district or county for which he was elected, his seat shall thereby be vacated.

13. No person holding a lucrative office under this State, the United States or any foreign government; no member of Congress, no person who is a salaried officer of any railroad company, or who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature.

14. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, shall be eligible to a seat in the Legislature. No person who may have collected or been entrusted with

public money, whether State or county, township, district, or other municipal organization, shall be eligible to the Legislature, or to any office of honor, trust or profit in this State, until he shall have duly accounted for and paid over such money according to law.

15. No Senator or Delegate, during the term for which he shall have been elected, shall be elected or appointed to any civil office of profit under this State, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by election by the people. Nor shall any member of the Legislature be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

16. Members of the Legislature, before they enter upon their duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm), that I will support the Constitution of the United States, and the Constitution of the State of West Virginia, and faithfully discharge the duties of Senator (or Delegate), according to the best of my ability"; and they shall also take this further oath, to-wit: "I will not accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company, or person, for any vote or influence I may give or withhold, as Senator (or Delegate) on any bill, resolution or appropriation, or for any act I may do or perform as Senator (or Delegate)." These oaths shall be administered in the hall of the

house to which the member is elected by a judge of the Supreme Court of Appeals, or of a Circuit Court, or by any other person authorized by law to administer an oath; and the Secretary of State shall record and file said oaths subscribed by each member; and no other oath or declaration shall be required as a qualification. Any member who shall refuse to take the oath herein prescribed, shall forfeit his seat; and any member who shall be convicted of having violated the oath last above required to be taken, shall forfeit his seat and be disqualified thereafter from holding any office of profit or trust in this State.

17. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during the session, and for ten days before and after the same; and for words spoken in debate, or on any report, motion or proposition made in either house, a member shall not be questioned in any other place.

18. The Legislature shall assemble at the Seat of Government biennially, and not oftener, unless convened by the Governor. The first session of the Legislature, after the adoption of this Constitution, shall commence on the third Tuesday of November, 1872; and the regular biennial session of the Legislature shall commence on the second Wednesday of January, 1875, and every two years thereafter on the same day.

19. The Governor may convene the Legislature by proclamation whenever, in his opinion, the public

safety and welfare shall require it. It shall be his duty to convene it, on application in writing, of three-fifths of the members elected to each house.

20. The Seat of Government shall be at Charleston, until otherwise provided by law.

21. The Governor may convene the Legislature at another place, when, in his opinion, it can not safely assemble at the Seat of Government, and the Legislature may, when in session, adjourn to some other place, when in its opinion, the public safety or welfare, or the safety of the members, or their health shall require it.

22. No session of the Legislature, after the first, shall continue longer than forty-five days, without the concurrence of two-thirds of the members elected to each House.

23. Neither House shall, during the session, adjourn for more than three days, without the consent of the other. Nor shall either, without such consent, adjourn to any other place than that in which the Legislature is sitting.

24. A majority of the members elected to each House of the Legislature, shall constitute a quorum. But a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, as each House may provide. Each House shall determine the rules of its proceedings and be the judge of the elections, returns and qualifications of its own members. The Senate shall choose, from its own body, a President; and the House of Delegates, from its own body, a Speaker. Each

House shall appoint its own officers, and remove them at pleasure. The oldest Delegate present shall call the House to order, at the opening of each new House of Delegates, and preside over it until the Speaker thereof shall have been chosen, and have taken his seat. The oldest member of the Senate present at the commencement of each regular session thereof, shall call the Senate to order, and preside over the same until a President of the Senate shall have been chosen, and has taken his seat.

25. Each House may punish its own members for disorderly behavior, and with the concurrence of two-thirds of the members elected thereto, expel a member, but not twice for the same offense.

26. Each House shall have power to provide for its own safety, and the undisturbed transaction of its business, and may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his duties, or for any assault, threat or abuse of a member, for words spoken in debate. But such imprisonment shall not extend beyond the termination of the session, and shall not prevent the punishment of any offense, by the ordinary course of law.

27. Laws shall be enacted and enforced, by suitable provisions and penalties, requiring sheriffs, and all other officers, whether State, county, district or municipal, who shall collect or receive, or whose official duty it is, or shall be, to collect, receive, hold or pay out any money belonging to, or which is, or shall

be, for the use of the State or of any county, district or municipal corporation, to make annual account and settlement therefor. Such settlement, when made, shall be subject to exceptions, and take such direction, and have only such force and effect, as may be provided by law; but in all cases, such settlement shall be recorded, and be open to the examination of the people at such convenient place or places as may be appointed by law.

28. Bills and resolutions may originate in either House, but may be passed, amended or rejected by the other.

29. No bill shall become a law, until it has been fully and distinctly read, on three different days, in each House, unless, in case of urgency, by a vote of four-fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with: *Provided*, in all cases, that an engrossed bill shall be fully and distinctly read in each House.

✓ 30. No act hereafter passed, shall embrace more than one object, and that shall be expressed in the title. But if any object shall be embraced in any act which is not so expressed, the act shall be void only as to so much thereof as shall not be so expressed, and no law shall be revived, or amended by reference to its title only; but the law revived, or the section amended, shall be inserted at large, in the new act. And no act of the Legislature, except such as may be passed at the first session under this Constitution, shall take effect until the expiration of ninety days after its passage, unless the Legislature shall by a vote

of two-thirds of the members elected to each House, taken by yeas and nays, otherwise direct.

31. When a bill or joint resolution, passed by one House, shall be amended by the other, the question on agreeing to the bill, or joint resolution, as amended, shall be again voted on, by yeas and nays, in the House by which it was originally passed, and the result entered upon its journals; in all such cases, the affirmative vote of a majority of all the members elected to such House shall be necessary.

32. Whenever the words, "a majority of the members elected to either House of the Legislature," or words of like import, are used in this Constitution, they shall be construed to mean a majority of the whole number of members to which each House is, at the time, entitled, under the apportionment of representation, established by the provisions of this Constitution.

33. The members of the Legislature shall each receive for their services the sum of four dollars per day and ten cents for each mile traveled in going to and returning from the seat of government by the most direct route. The Speaker of the House of Delegates and the President of the Senate, shall each receive an additional compensation of two dollars per day for each day they shall act as presiding officers. No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either House for postage, stationery, newspapers, or any other purpose whatever.

34. The Legislature shall provide by law that the fuel, stationery and printing paper, furnished for the use of the State; the copying, printing, binding and distributing the laws and journals; and all other printing ordered by the Legislature, shall be let by contract to the lowest responsible bidder, bidding under a maximum price to be fixed by the Legislature; and no member or officer thereof, or officer of the State, shall be interested, directly or indirectly, in such contract, but all such contracts shall be subject to the approval of the Governor, and in case of his disapproval of any such contract, there shall be a re-letting of the same in such manner as may be prescribed by law.

35. The State of West Virginia shall never be made defendant in any court of law or equity.

36. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

37. No law shall be passed after the election of any public officer, which shall operate to extend the term of his office.

38. No extra compensation shall be granted or allowed to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract made; nor shall any Legislature authorize the payment of any claim or part thereof, hereafter created against the State, under any agreement or contract made, without express authority of law; and all such unauthorized agreements shall be null and void. Nor shall the salary of any public officer be increased

or diminished during his term of office, nor shall any such officer, or his or their sureties, be released from any debt or liability due to the State. *Provided*, The Legislature may make appropriations for expenditures hereafter incurred in suppressing insurrection, or repelling invasion.

39. The Legislature shall not pass local or special laws in any of the following enumerated cases; that is to say, for

Granting divorces;

Laying out, opening, altering and working roads or highways;

Vacating roads, town plats, streets, alleys and public grounds;

Locating, or changing county seats;

Regulating or changing county or district affairs;

Providing for the sale of church property, or property held for charitable uses;

Regulating the practice in courts of justice;

Incorporating cities, towns or villages, or amending the charter of any city, town or village, containing a population of less than two thousand;

Summoning or impaneling grand or petit juries;

The opening or conducting of any election, or designating the place of voting;

The sale and mortgage of real estate belonging to minors, or others under disability;

Chartering, licensing, or establishing ferries or toll bridges;

Remitting fines, penalties or forfeitures;

Changing the law of descent;

Regulating the rate of interest;

Authorizing deeds to be made for land sold for taxes;

Releasing taxes;

Releasing title to forfeited lands.

The Legislature shall provide, by general laws, for the foregoing and all other cases for which provision can be so made; and in no case shall a special act be passed, where a general law would be proper, and can be made applicable to the case, nor in any other case in which the courts have jurisdiction, and are competent to give the relief asked for.

40. The Legislature shall not confer upon any court, or judge, the power of appointment to office, further than the same is herein provided for.

41. Each House shall keep a journal of its proceedings, and cause the same to be published from time to time, and all bills and joint resolutions shall be described therein, as well by their title as their number, and the yeas and nays on any question, if called for by one-tenth of those present, shall be entered on the journal.

42. Bills making appropriations for the pay of members and officers of the Legislature, and for salaries for the officers of the Government, shall contain no provision on any other subject.

43. The Legislature shall never authorize or establish any board or court of registration of voters.

44. In all elections to office which may hereafter take place in the Legislature, or in any county, or municipal body, the vote shall be *viva voce*, and be entered on its journals.

45. It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to provide, by law, for the punishment by imprisonment in the penitentiary, of any person who shall bribe, or attempt to bribe, any executive or judicial officer of this State, or any member of the Legislature in order to influence him, in the performance of any of his official or public duties; and also to provide by law for the punishment by imprisonment in the penitentiary, of any of said officers, or any member of the Legislature, who shall demand, or receive, from any corporation, company or person, any money, testimonial, or other valuable thing, for the performance of his official or public duties, or for refusing or failing to perform the same, or for any vote or influence a member of the Legislature may give or withhold as such member; and also to provide by law for compelling any person, so bribing or attempting to bribe, or so demanding or receiving a bribe, fee, reward, or testimonial, to testify against any person or persons, who may have committed any of said offenses: *Provided*, That any person so compelled to testify, shall be exempted from trial and punishment for the offense of which he may have been guilty, and concerning which he is compelled to testify; and any person convicted of any of the offenses specified in this section, shall, as a part of the punishment thereof, be forever disqualified from holding any office or position of honor, trust, or profit in this State.

46. Laws may be passed regulating or prohibiting the sale of intoxicating liquors within the limits of this State.

House and before proceeding to business, open and publish the same in the presence of a majority of each House of the Legislature, which shall for that purpose assemble in the Hall of the House of Delegates. The person having the highest number of votes for either of said offices shall be declared duly elected thereto; but if two or more have an equal and the highest number of votes for the same office, the Legislature shall, by joint vote, choose one of such persons for said office. Contested elections for the office of Governor shall be determined by both Houses of the Legislature by joint vote, in such manner as may be prescribed by law.

#### ELIGIBILITY.

4. None of the executive officers mentioned in this Article shall hold any other office during the term of his service. The Governor shall be ineligible to said office for the four years next succeeding the term for which he was elected.

5. The chief executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

6. The Governor shall, at the commencement of each session, give to the Legislature information by message of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall accompany his message with a statement of all money received and paid out by him from any funds, subject to his order, with vouchers therefor, and at the commencement of each regular session

present estimates of the amount of money required by taxation for all purposes.

7. The Governor may on extraordinary occasions convene, at his own instance, the Legislature; but when so convened, it shall enter upon **no** business except that stated in the proclamation by which it was called together.

8. The Governor shall nominate, and by and with the advice and consent of the Senate (a majority of all the Senators elected concurring by yeas and nays) appoint all officers whose offices are established by this Constitution, or shall be created by law, and whose appointment or election is not otherwise provided for; and **no** such officers shall be appointed or elected by the Legislature.

9. In case of a vacancy, during the recess of the Senate, in any office which is not elective, the Governor shall, by appointment, fill such vacancy, until the next meeting of the Senate, when he shall make a nomination for such office, and the person so nominated, when confirmed by the Senate (a majority of all the Senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office, during the same session, unless at the request of the Senate; nor shall such person be appointed to the same office during the recess of the Senate.

10. The Governor shall have power to remove any officer whom he may appoint in case of incompetency,

neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and fill the same as herein provided in other cases of vacancy.

11. The Governor shall have power to remit fines and penalties in such cases and under such regulations as may be prescribed by law; to commute capital punishment and, except where the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; but he shall communicate to the Legislature at each session the particulars of every case of fine or penalty remitted, of punishment commuted and of reprieve or pardon granted, with his reasons therefor.

12. The Governor shall be commander-in-chief of the military forces of the State (except when they shall be called into the service of the United States), and may call out the same to execute the laws, suppress insurrection and repel invasion.

13. When any State officer has executed his official bond, the Governor shall, for such causes and in such manner as the Legislature may direct, require of such officer reasonable additional security; and if the security is not given as required, his office shall be declared vacant, in such manner as may be provided by law.

14. Every bill passed by the Legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if not, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large

upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected to that House, agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the members elected to that House, it shall become a law, notwithstanding the objections of the Governor. But in all such cases the vote of each House shall be determined by yeas and nays to be entered on the journal. Any bill which shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall be filed with his objections, in the office of the Secretary of State, within five days after such adjournment, or become a law.

§15. Every bill passed by the Legislature making appropriations of money, embracing distinct items, shall, before it becomes a law, be presented to the Governor; if he disapprove the bill, or any item or appropriation therein contained, he shall communicate such disapproval with his reasons therefor to the House in which the bill originated; but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless re-passed by a majority of each House according to the rules and limitations prescribed in the preceding section in reference to other bills.

16. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the President of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above-named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Delegates; and in all other cases where there is no one to act as Governor, one shall be chosen by joint vote of the Legislature. Whenever a vacancy shall occur in the office of Governor before the first three years of the term shall have expired, a new election for Governor shall take place to fill the vacancy.

17. If the office of Secretary of State, Auditor, Treasurer, State Superintendent of Free Schools or Attorney-General shall become vacant by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The subordinate officers of the Executive Department and the officers of all public institutions of the State shall keep an account of all moneys received or disbursed by them respectively, from all sources, and for every service performed, and make a semi-annual report thereof to the Governor under oath or affirmation; and any officer who shall willfully make a false report shall be deemed guilty of perjury.

18. The subordinate officers of the Executive Department and the officers of all the public institutions

of the State, shall, at least ten days preceding each regular session of the Legislature, severally report to the Governor, who shall transmit such report to the Legislature; and the Governor may at any time require information in writing, under oath, from the officers of his department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

19. (As amended—see Acts of 1901, p. 452.) The officers named in this Article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official term, and shall not, after the expiration of the terms of those in office at the adoption of this amendment, receive to their own use any fees, costs, perquisites of office, or other compensation, and all fees that may hereafter be payable by law for any service performed by any officer, provided for in this Article of the Constitution, shall be paid in advance into the State Treasury.

## ARTICLE VIII.

(As amended—see Acts 1879, p. 176. Also Acts of 1901, p. 452.)

### JUDICIAL DEPARTMENT.

1. The judicial power of the State shall be vested in a supreme court of appeals, in circuit courts and the judges thereof, in such inferior tribunals as are herein authorized and in justices of the peace.

### SUPREME COURT OF APPEALS.

2. The Supreme Court of Appeals shall consist of five judges. Those judges in office when this amend-

ment takes effect shall continue in office until their terms shall expire, and the Legislature shall provide for the election of an additional judge of said court at the next general election, whose terms shall begin on the first day of January, 1905, and the Governor shall, as for a vacancy, appoint a judge of said court to hold office until the first day of January, 1905. The judges of the Supreme Court of Appeals and of the circuit courts shall receive such salaries as shall be fixed by law, for those now in or those hereafter to come into office.

3. It shall have original jurisdiction in cases of *habeas corpus*, *mandamus*, and prohibition. It shall have appellate jurisdiction in civil cases where the matter in controversy, exclusive of costs, is of greater value or amount than one hundred dollars; in controversies concerning the title of boundaries of land, the probate of wills, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, road, way, ferry or landing; or the right of a corporation or county to levy tolls or taxes; and also in cases of *quo warranto*, *habeas corpus*, *mandamus*, *certiorari* and prohibition, and in cases involving freedom or the constitutionality of a law. It shall have appellate jurisdiction in criminal cases where there has been a conviction for felony or misdemeanor in a circuit court, and where a conviction has been had in any inferior court and been affirmed in a circuit court, and in cases relating to the public revenue, the right of appeal shall belong to the State as well as the defendant, and such other appellate jurisdiction, in both

civil and criminal cases, as may be prescribed by law.

4. No decision rendered by the supreme court of appeals shall be considered as binding authority upon any of the inferior courts of this State, except in the particular case decided, unless such decision is concurred in by at least three judges of said court.

5. When a judgment or decree is reversed or affirmed by the supreme court of appeals, every point fairly arising upon the record of the case shall be considered and decided; and the reasons therefore shall be concisely stated in writing and preserved with the record of the case; and it shall be the duty of the court to prepare a syllabus of the points adjudicated in each case concurred in by three of the judges thereof, which shall be prefixed to the published report of the case.

6. A writ of error, *supersedeas*, or appeal shall be allowed only by the supreme court of appeals, or a judge thereof, upon a petition assigning error in the judgment or proceedings of the inferior court and then only after said court or judge shall have examined and considered the record and assignment of errors, and is satisfied that there is error in the same, or that it presents a point proper for the consideration of the supreme court of appeals.

7. If from any cause a vacancy shall occur in the supreme court of appeals the Governor shall issue a writ of election to fill such vacancy at the next general election for the residue of the term, and in the meantime he shall fill such vacancy by appointment

until a judge is elected and qualified. But if the unexpired term be less than two years the Governor shall fill such vacancy by appointment for the unexpired term.

8. The officers of the supreme court of appeals, except the reporter, shall be appointed by the court, or in vacation by the judges thereof, with the power of removal; their duties and compensation shall be prescribed by law.

9. There shall be at least two terms of the supreme court of appeals held annually at such times and places as may be prescribed by law.

#### ✓CIRCUIT COURTS.

10. The State shall be divided into thirteen circuits. For the circuit hereinafter called the first, two judges shall be elected, and for each of the other circuits one judge shall be elected by the voters thereof. Each of the judges so elected shall hold his office for the term of eight years unless sooner removed in the manner prescribed in this Constitution. The judges of the circuit courts in office when this article takes effect shall remain therein until the expiration of the term for which they have been elected in the circuits in which they may respectively reside, unless sooner removed as aforesaid. A vacancy in the office of a judge of the circuit court shall be filled in the same manner as is provided for in the case of a vacancy in the office of a judge of the supreme court of appeals. During his continuance in office the judge of the circuit court shall reside in the circuit in which he is judge. The business of the first circuit

may be apportioned between the judges thereof, and such judges may hold courts in the same county or in different counties within the circuit at the same time or at different times as may be prescribed by law.

11. A circuit court shall be held in every county in the State at least three times in each year, and provisions may be made by law for holding special terms of said court. A judge of any circuit may hold the courts in another circuit.

12. The circuit court shall have the supervision and control of all proceedings before justices and other inferior tribunals, by *mandamus*, prohibition and *certiorari*. They shall, except in cases confined exclusively by this Constitution to some other tribunal, have original and general jurisdiction of all matters at law where the amount in controversy, exclusive of interest, exceeds fifty dollars; of all cases of *habeas corpus*, *mandamus*, *quo warranto* and prohibition; and of all cases in equity, and of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases, civil and criminal, where an appeal, writ of error or *supersedeas* may be allowed to the judgment or proceedings of any inferior tribunal. They shall also have such other jurisdiction, whether supervisory, original, appellate, or concurrent, as is or may be prescribed by law.

13. Until otherwise provided by law, the State shall be divided into the following circuits: The counties of Brooke, Hancock, Ohio and Marshall shall constitute the first circuit; the counties of Monongalia, Marion and Harrison, the second; the coun-

ties of Preston, Taylor, Barbour, Tucker and Randolph, the third; the counties of Wetzel, Tyler, Ritchie and Doddridge, the fourth; the counties of Wood, Wirt and Pleasants, the fifth; the counties of Clay, Gilmer, Jackson, Roane and Calhoun, the sixth; the counties of Putnam, Kanawha and Mason, the seventh; the counties of Cabell, Wayne, Lincoln and Logan, the eighth; the counties of McDowell, Mercer, Raleigh, Wyoming and Boone, the ninth; the counties of Greenbrier, Monroe, Summers, Fayette and Pocahontas, the tenth; the counties of Upshur, Lewis, Braxton, Nicholas and Webster, the eleventh. the counties of Grant, Hardy, Hampshire, Mineral and Pendleton, the twelfth; the counties of Jefferson, Berkeley and Morgan, the thirteenth.

14. The Legislature may re-arrange the circuits herein provided for at any session thereof, next preceding any general election of the judges of said circuits, and after the year one thousand eight hundred and eighty-eight, may, at any such session, increase or diminish the number thereof.

15. The Legislature shall provide by law for holding regular and special terms of the circuit courts, where from any cause the judge shall fail to attend, or, if in attendance, cannot properly preside.

#### GENERAL PROVISIONS.

16. All judges shall be commissioned by the governor. The salary of a judge of the Supreme Court of Appeals shall be two thousand two hundred dollars per annum, and that a judge of the Circuit Court

shall be one thousand eight hundred dollars per annum; and each shall receive the same mileage as members of the Legislature. *Provided*, that Ohio county may pay an additional sum per annum to the judges of the circuit court thereof; but such allowance shall not be increased or diminished during the term of office of the judges to whom it may have been made. No judge, during his term of office, shall practice the profession of law or hold any other office, appointment or public trust, under this or any other government, and the acceptance thereof shall vacate his judicial office. Nor shall he, during his continuance therein, be eligible to any political office.

✓ 17. Judges may be removed from office by a concurrent vote of both houses of the Legislature, when from age, disease, mental or bodily infirmity or intemperance, they are incapable of discharging the duties of their office. But two-thirds of all the members elected to each house must concur in such vote, and the cause of removal shall be entered upon the journal of each house. The judge against whom the Legislature may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least twenty days before the day on which action is proposed to be taken therein.

18. The voters of each county shall elect a clerk of the Circuit Court, whose term of office shall be six years; his duties and compensation and the manner of removing him from office shall be prescribed by law; and when a vacancy shall occur in the office, the circuit court or the judge thereof in

vacation shall fill the same by appointment until the next general election. In any case in respect to which the clerk shall be so situated as to make it improper for him to act, the said court shall appoint a clerk to act therein. The clerks of said courts in office when this article takes effect, shall remain therein for the term for which they were elected, unless sooner removed in the manner prescribed by law.

19. The Legislature may establish courts of limited jurisdiction within any county, incorporated city, town or village, with the right of appeal to the circuit court, subject to such limitations as may be prescribed by law; and all courts of limited jurisdiction heretofore established in any county, incorporated city, town or village, shall remain as at present constituted until otherwise provided by law. The municipal court of Wheeling shall continue in existence until otherwise provided by law, and said court and the judge thereof shall exercise the powers and jurisdiction heretofore conferred upon them; and appeals in civil cases from said court shall lie directly to the supreme court of appeals.

20. No citizen of this State who aided or participated in the late war between the government of the United States and a part of the people thereof, on either side, shall be liable in any proceeding, civil or criminal; nor shall his property be seized or sold under final process issued upon judgments or decrees heretofore rendered, or otherwise, because of any act done in accordance with the usages of civilized war-

fare in the prosecution of said war. The Legislature shall provide, by general laws, for giving full force and effect to this section.

21. Such parts of the common law, and of the laws of this State as are in force when this article goes into operation, and are not repugnant thereto, shall be and continue the law of the State until altered or repealed by the Legislature. All civil and criminal suits and proceedings pending in the former circuit courts of this State, shall remain and be proceeded in before the circuit courts of the counties in which they were pending.

#### COUNTY COURTS.

22. There shall be in each county of the State a county court, composed of three commissioners and two of said commissioners shall be a quorum for the transaction of business. It shall hold four regular sessions in each year, at such times as may be fixed upon and entered of record by the said court. Provisions may be made by law for holding special sessions of said court.

23. The commissioners shall be elected by the voters of the county, and hold their office for the term of six years, except that at the first meeting of said commissioners they shall designate by lot, or otherwise, in such manner as they may determine, one of their number, who shall hold his office for the term of two years, one for four years, and one for six years, so that one shall be elected every two years. But no two of said commissioners shall be elected from the same magisterial district. And if two or more per-

sons residing in the same district shall receive the greater number of votes cast at any election, then only the one of such persons receiving the highest number shall be declared elected, and the person living in another district, who shall receive the next highest number of votes, shall be declared elected. Said commissioners shall annually elect one of their number as president, and each shall receive two dollars per day for his services in court, to be paid out of the county treasury.

24. The county courts, through their clerks, shall have the custody of all deeds and other papers presented for record in their counties, and the same shall be preserved therein, or otherwise disposed of, as now is or may be prescribed by law. They shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts, and in all matters relating to apprentices. They shall also, under such regulations as may be prescribed by law, have the superintendence and administration of the internal police and fiscal affairs of their counties, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies. *Provided*, That no license for the sale of intoxicating liquors in any incorporated city, town or village, shall be granted without the consent of the municipal authorities thereof, first had and obtained. They shall, in all cases of contest, judge of the election, qualification and returns of their own

members, and of all county and district officers, subject to such regulations, by appeal or otherwise, as may be prescribed by law. Such courts may exercise such other powers, and perform such other duties, not of a judicial nature, as may be prescribed by law. And provision may be made, under such regulations as may be prescribed by law, for the probate of wills, and for the appointment and qualification of personal representatives, guardians, committees and curators during the recess of the regular sessions of the county court. Such tribunals as have been heretofore established by the Legislature under and by virtue of the thirty-fourth section of the eighth article of the Constitution of one thousand eight hundred and seventy-two, for police and fiscal purposes, shall, until otherwise provided by law, remain and continue as at present constituted in the counties in which they have been respectively established, and shall be and act as to police and fiscal matters in lieu of the county court created by this article until otherwise provided by law. And, until otherwise provided by law, such clerk as is mentioned in the twenty-sixth section of this article, shall exercise any powers and discharge any duties heretofore conferred on, or required of, any court or tribunal established for judicial purposes under the said article and section of the constitution of one thousand eight hundred and seventy-two, or the clerk of such court or tribunal respectively, respecting the recording and preservation of deeds and other papers presented for record, matters of probate, the appointment and qualification of personal

representatives, guardians, committees, curators and the settlement of their accounts, and in all matters relating to apprentices.

25. All actions, suits and proceedings not embraced in the next preceding section, pending in a county court when this article takes effect, together with the records and papers pertaining thereto, as well as all records and papers pertaining to such actions, suits and proceedings, as have already been disposed of by said courts, shall be transmitted to and filed with the clerk of the circuit court of the county, to which office all process outstanding at the time this article goes into operation shall be returned; and said clerk shall have the same power and shall perform the same duties in relation to such records, papers and proceedings as were vested in and required of the clerk of the county court on the day before this article shall take effect. All such actions, suits and proceedings so pending as aforesaid, shall be docketed, proceeded in, tried, heard and determined in all respects by the circuit court, as if such suits and proceedings had originated in said court.

26. The voters of each county shall elect a clerk of the county court, whose term of office shall be six years. His duties and compensation and the manner of his removal shall be prescribed by law. But the clerks of said courts, now in office, shall remain therein for the term for which they have been elected unless sooner removed therefrom in the manner prescribed by law.

27. Each county shall be laid off into districts, not less than three nor more than ten in number, and as

nearly equal as may be in territory and population. There shall be elected in each district containing a population not exceeding twelve hundred, one justice of the peace, and if the population exceeds that number, two such justices shall be elected therein. Every justice shall reside in the district for which he was elected and hold his office for the term of four years, unless sooner removed in the manner prescribed by law. The districts as they now exist shall remain till changed by the county court.

28. The civil jurisdiction of a justice of the peace shall extend to actions of assumpsit, debt, detinue and trover, if the amount claimed, exclusive of interest, does not exceed three hundred dollars. The jurisdiction of justices of the peace shall extend throughout their county; they shall be conservators of the peace and have such jurisdiction and powers in criminal cases as may be prescribed by law. And justices of the peace shall have authority to take the acknowledgement of deeds and other writings, administer oaths and take and certify depositions. And the Legislature may give to justices such additional civil jurisdiction and powers within their respective counties as may be deemed expedient, under such regulations and restrictions as may be prescribed by general law, except that in suits to recover money or damages their jurisdiction and powers shall in no case exceed three hundred dollars. Appeal shall be allowed from judgments of justices of the peace in such manner as may be prescribed by law.

29. The Legislature shall, upon the application of

any county, reform, alter or modify the county court established by this article in such county, and in lieu thereof, with the assent of a majority of the voters of such county voting at an election, create another tribunal for the transaction of any business required to be performed by the county court created by this article; and in such case all the provisions of this article in relation to the county court shall be applicable to the tribunal established in lieu of said court. And when such tribunal has been established it shall continue to act in lieu of the county court until otherwise provided by law.

30. The office of commissioner and justice of the peace shall be deemed incompatible. Vacancies in the office of commissioner, clerk of the county court and justices of the peace shall be filled by the county court of the county until the next general election.

## ARTICLE IX.

### COUNTY ORGANIZATION.

1. The voters of each county shall elect a Surveyor of Lands, a Prosecuting Attorney, a Sheriff, and one and not more than two Assessors, who shall hold their respective offices for the term of four years.

2. There shall also be elected in each district of the county, by the voters thereof, one constable, and if the population of any district shall exceed twelve hundred, an additional constable, whose term of office shall be four years, and whose power as such shall extend throughout their county. The Assessors

shall, with the advice and consent of the county court, have the power to appoint one or more assistants. Coroners, overseers of the poor and surveyors of roads shall be appointed by the county court. The foregoing officers, except the prosecuting attorneys, shall reside in the county and district for which they shall be respectively elected.

3. The same person shall not be elected sheriff for two consecutive full terms; nor shall any person who acted as his deputy be elected successor to such sheriff, nor shall any sheriff act as deputy of his successor; nor shall he, during his term of service, or within one year thereafter, be eligible to any other office. The retiring sheriff shall finish all business remaining in his hands, at the expiration of his term; for which purpose his commission and official bond shall remain in force. The duties of the office of sheriff shall be performed by him in person, or under his superintendence.

4. The presidents of the county courts, the justices of the peace, sheriffs, prosecuting attorneys, clerks of the circuit and of the county courts, and all other county officers shall be subject to indictment for malfeasance, misfeasance, or of neglect of official duty, and on conviction thereof their offices shall become vacant.

5. The Legislature shall provide for commissioning such of the officers herein mentioned, as it may deem proper, not provided for in this Constitution, and may require any class of them to give bond with security for the faithful discharge of the duties of their respective offices.

6. It shall further provide for the compensation, the duties and responsibilities of such officers, and may provide for the appointment of their duties and assistants by general laws.

7. The president of the county court and every justice and constable shall be a conservator of the peace throughout his county.

8. No new county shall hereafter be formed in this State with an area of less than four hundred square miles, nor with a population of less than six thousand; nor shall any county, from which a new county, or part thereof, shall be taken, be reduced in area below four hundred square miles, nor in population below six thousand. Nor shall a new county be formed without the consent of a majority of the voters residing within the boundary of the proposed new county, and voting on the question.

## ARTICLE X.

### TAXATION AND FINANCE.

I. Taxation shall be equal and uniform throughout the State, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property from which a tax may be collected, shall be taxed higher than any other species of property of equal value; but property used for educational, literary, scientific, religious or charitable purposes; all cemeteries and public property may, by law, be exempted from taxation. The Legislature shall have power to

tax, by uniform and equal laws, all privileges and franchises of persons and corporations.

2. The Legislature shall levy an annual capitation tax of one dollar upon each male inhabitant of the State who has attained the age of twenty-one years, which shall be annually appropriated to the support of free schools. Persons afflicted with bodily infirmity may be exempted from this tax.

3. No money shall be drawn from the treasury but in pursuance of an appropriation made by law, and on a warrant issued thereon by the Auditor; nor shall any money or fund be taken for any other purpose than that for which it has been or may be appropriated or provided. A complete and detailed statement of the receipts and expenditures of the public moneys, shall be published annually.

4. No debt shall be contracted by the State, except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war; but the payment of any liability other than that for the ordinary expenses of the State, shall be equally distributed over a period of at least twenty years.

5. The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, and interest thereon, the support of free schools; and the payment of the annual estimated expenses of the State; but whenever any deficiency in the revenue shall exist in any year, it shall, at the regular session thereof held next after the deficiency occurs, levy a tax for the ensuing year, sufficient, with the other

sources of income, to meet such deficiency, as well as the estimated expenses of such year.

6. The credit of the State shall not be granted to, or in aid of any county, city, township, corporation or person; nor shall the State ever assume, or become responsible for the debts or liabilities of any county, city, township, corporation or person; nor shall the State ever hereafter become a joint owner, or stockholder, in any company or association in this State or elsewhere, formed for any purpose whatever.

7. County authorities shall never assess taxes, in any one year, the aggregate of which shall exceed ninety-five cents per one hundred dollars valuation, except for the support of free schools; payment of indebtedness existing at the time of the adoption of this Constitution; and for the payment of any indebtedness, with the interest thereon, created under the succeeding section, unless such assessment, with all questions involving the increase of such aggregate, shall have been submitted to the vote of the people of the county, and have received three-fifths of all the votes cast for and against it.

8. No county, city, school district, or municipal corporation, except in cases where such corporations have already authorized their bonds to be issued, shall hereafter be allowed to become indebted, in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein to be ascertained by the last assessment for

State and county taxes, previous to the incurring of such indebtedness; nor without, at the same time, providing for the collection of a direct annual tax, sufficient to pay, annually, the interest on such debt, and the principal thereof, within, and not exceeding thirty-four years; *Provided*, That no debt shall be contracted under this section, unless all questions connected with the same, shall have been first submitted to a vote of the people, and have received three-fifths of all the votes cast for and against the same.

9. The Legislature may, by law, authorize the corporate authorities of cities, towns and villages, for corporate purposes, to assess and collect taxes; but such taxes shall be uniform, with respect to persons and property within the jurisdiction of the authority imposing the same.

## ARTICLE XI.

### CORPORATIONS.

1. The Legislature shall provide for the organization of all corporations hereafter to be created, by general laws, uniform as to the class to which they relate; but no corporation shall be created by special law; *Provided*, That nothing in this section contained, shall prevent the Legislature from providing by special laws for the connection, by canal, of the waters of the Chesapeake with the Ohio river by line of the James river, Greenbrier, New river and Great Kanawha.

2. The stockholders of all corporations and joint stock companies, except banks and banking institu-

tions, created by laws of this State, shall be liable for the indebtedness of such corporations to the amount of their stock subscribed and unpaid, and no more.

3. All existing charters for grants of special or exclusive privileges under which organization shall not have taken place, or which shall not have been in operation within two years from the time this Constitution takes effect, shall thereafter have no validity or effect whatever; *Provided*, That nothing herein shall prevent the execution of any *bona fide* contract heretofore lawfully made in relation to any existing charter or grant in this State.

4. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

5. No law shall be passed by the Legislature, granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway, proposed to be occupied by such street railroad.

BANKS.

6. The Legislature may provide, by a general banking law, for the creation and organization of banks of issue or circulation, but the stockholders of any bank hereafter authorized by the laws of the State, whether of issue, deposit or discount, shall be personally liable to the creditors thereof, over and above the amount of stock held by them respectively to an amount equal to their respective shares so held, for all its liabilities accruing while they are such stockholders.

RAILROADS.

7. Every railroad corporation organized or doing business in this State shall annually, by their proper officers, make a report under oath, to the auditor of public accounts of this State, or some officer to be designated by law, setting forth the condition of their affairs, the operations of the year, and such other matters relating to their respective railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

8. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property and shall be liable to execution and sale in the same manner as the personal property of individuals; and the Legislature shall pass no law exempting any such property from execution and sale.

9. Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby

declared public highways and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as shall be prescribed by law; and the Legislature shall, from time to time, pass laws, applicable to all railroad corporations in the State, establishing reasonable maximum rates of charges for the transportation of passengers and freights, and providing for the correction of abuses, the prevention of unjust discriminations between through and local or way freight and passenger tariffs, and for the protection of the just rights of the public, and shall enforce such laws by adequate penalties.

10. The Legislature shall, in the law regulating railway companies, require railroads running through, or within a half mile of a town or village, containing three hundred or more inhabitants, to establish stations for the accommodation of trade and travel of said town or village.

11. No railroad corporation shall consolidate its stock, property or franchise with any other railroad owning a parallel or competing line, or obtain the possession or control of such parallel or competing line, by lease or other contract, without the permission of the Legislature.

12. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the Legislature, of the property and franchises of incorporated companies already organized, and subjecting them to the public use, the same as individuals.

ARTICLE XII.

(As amended—Acts of 1901, p. 453.)

EDUCATION.

1. The Legislature shall provide, by general law, for a thorough and efficient system of free schools.

2. The State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law. If in the performance of any such duty imposed upon him by the Legislature he shall incur any expenses, he shall be reimbursed therefor; *Provided*, the amount does not exceed five hundred dollars in any one year.

3. The Legislature may provide for county superintendents and such other officers as may be necessary to carry out the objects of this article and define their duties, powers and compensation.

4. The existing permanent and invested school fund, and all money accruing to this State from forfeited, delinquent, waste and unappropriated lands; and from lands heretofore sold for taxes and purchased by the State of Virginia, if hereafter redeemed or sold to others than this State; all grants, devices or bequests that may be made to this State for the purposes of education or where the purposes of such grants, devices or bequests are not specified; this State's just share of the literary fund of Virginia, whether paid over or otherwise liquidated; and any sums of money, stocks or property which this State shall have the right to claim from the State of Virginia for educational purposes; the proceeds of the estates of persons who may die without leaving a will

or heir, and of all escheated lands; the proceeds of any taxes that may be levied on the revenues of any corporations; all moneys that may be paid as an equivalent for exemption from military duty; and such sums as may from time to time be appropriated by the Legislature for the purpose, shall be set apart as a separate fund, to be called the "School Fund," and invested under such regulation as may be prescribed by law, in the interest-bearing securities of the United States, or of this State, or if such interest-bearing securities cannot be obtained, then said "School-Fund" shall be invested in such other solvent, interest-bearing securities as shall be approved by the Governor, Superintendent of Free Schools, Auditor, and Treasurer, who are hereby constituted the "Board of the School Fund," to manage the same under such regulations as may be prescribed by law; and the interest thereof shall be annually applied to the support of free schools throughout the State, and to no other purpose whatever. But any portion of said interest remaining unexpended at the close of a fiscal year shall be added to and remain a part of the capital of the "School Fund": *Provided*, That all taxes which shall be received by the State upon delinquent lands, except the taxes due to the State thereon, shall be refunded to the county or district by or for which the same were levied.

The accumulation of the School fund provided for in section four of article twelve, of the Constitution of this State, shall cease upon the adoption of this amendment, and all money to the credit of said fund

over one million of dollars, together with the interest on said fund, shall be used for the support of the free schools of the State. All money and taxes heretofore payable into the treasury, under the provisions of the said section four, to the credit of the school fund, shall hereafter be paid into the treasury to the credit of the general school fund, for the support of the free schools of the State.

5. The Legislature shall provide for the support of free schools, by appropriating thereto the interest of the invested "School Fund," the net proceeds of all forfeitures and fines accruing to this State under the laws thereof; the State capitation tax, and by general taxation of persons and property or otherwise. It shall also provide for raising in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of free schools therein as shall be prescribed by general laws.

6. The school districts into which any county is now divided shall continue until changed in pursuance of law.

7. All levies that may be laid by any county or district for the purpose of free schools shall be reported to the clerk of the county court, and shall, under such regulations as may be prescribed by law, be collected by the sheriff, or other collector, who shall make annual settlement with the county court, which settlement shall be made a matter of record by the clerk thereof, in a book to be kept for that purpose.

8. White and colored persons shall not be taught in the same school.

9. No person connected with the free school system of the State, or with any educational institution of any name or grade under State control, shall be interested in the sale, proceeds, or profits of any book or other thing used, or to be used therein, under such penalties as may be prescribed by law: *Provided*, that nothing herein shall be construed to apply to any work written, or thing invented, by such person.

10. No independent free school district or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.

11. No appropriation shall hereafter be made to any State normal school, or branch thereof, except to those already established and in operation, or now chartered.

12. The Legislature shall foster and encourage moral, intellectual, scientific and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning as the best interests of general education in the State may demand.

## ARTICLE XIII.

### LAND TITLES.

1. All private rights and interests in lands in this State derived from or under the laws of the State of Virginia, and from or under the Constitution and laws of this State prior to the time this Constitution goes

into operation, shall remain valid and secure and shall be determined by the laws in force in Virginia, prior to the formation of this State, and by the Constitution and laws in force in this State prior to the time this constitution goes into effect.

2. No entry by warrant on land in this State shall hereafter be made.

3. All title to lands in this State heretofore forfeited, or treated as forfeited, waste and unappropriated, or escheated to the State of Virginia, or this State, or purchased by either of said States at sales made for the non-payment of taxes and become irredeemable, or hereafter forfeited, or treated as forfeited, or escheated to this State, or purchased by it and become irredeemable, not redeemed, released or otherwise disposed of, vested and remaining in this State, shall be, and is hereby transferred to, and vested in any person (other than those for whose default the same may have been forfeited or returned delinquent, their heirs or devisees), for so much thereof as such person has, or shall have had actual continuous possession of, under color or claim of title for ten years, and who, or those under whom he claims, shall have paid the State taxes thereon for any five years during such possession; or if there be no such person, then to any person (other than those for whose default the same may have been forfeited, or returned delinquent, their heirs or devisees), for so much of said land as such person shall have title or claim to, regularly derived, mediately or immediately from, or under a grant from the Commonwealth of Virginia or this

State, not forfeited, which but for the title forfeited would be valid, and who, or those under whom he claims has, or shall have paid all State taxes charged or chargeable thereon for five successive years, after the year 1865, or from the date of the grant, if it shall have issued since that year; or if there be no such person, as aforesaid, then to any person (other than those for whose default the same may have been forfeited, or returned delinquent, their heirs or devisees), far so much of said land as such person shall have had claim to and actual continuous possession of under color of title for any five successive years after the year 1865, and have paid all State taxes charged or chargeable thereon for said period.

4. All lands in this State, waste and unappropriated, or heretofore or hereafter for any cause forfeited, or treated as forfeited, or escheated to the State of Virginia, or this State, or purchased by either and become irredeemable, not redeemed, released, transferred or otherwise disposed of, the title whereto shall remain in this State till such sale as is hereinafter mentioned be made, shall by proceedings in the circuit court of the county in which the lands, or a part thereof, are situated, be sold to the highest bidder.

5. The former owner of any such land shall be entitled to receive the excess of the sum for which the land may be sold over the taxes charged and chargeable thereon, or which, if the land had not been forfeited, would have been charged or chargeable thereon, since the formation of this State, with interest at the rate of twelve per centum per annum,

and the costs of the proceedings, if his claim be filed in the circuit court that decrees the sale, within two years thereafter.

6. It shall be the duty of every owner of land to have it entered on the land books of the county in which it, or a part of it, is situated, and to cause himself to be charged with the taxes thereon, and pay the same. When for any five successive years after the year 1869, the owner of any tract of land containing one thousand acres or more, shall not have been charged on such books with State tax on said land, then by operation hereof, the land shall be forfeited and the title thereto vest in the State. But if, for any one or more of such five years, the owner shall have been charged with State tax on any part of the land, such part thereof shall not be forfeited for such cause. And any owner of land so forfeited, or of any interest therein at the time of the forfeiture thereof, who shall then be an infant, married women, or insane person, may, until the expiration of three years after the removal of such disability, have the land, or such interest charged on such books with all State and other taxes that shall be, and but for the forfeiture would be chargeable on the land, or interest therein for the year 1863, and every year thereafter with interest at the rate of ten per centum per annum; and pay all taxes and interest thereon for all such years, and thereby redeem the land or interest therein: *Provided*, Such right to redeem shall in no case extend beyond twenty years from the time such land was forfeited.

## ARTICLE XIV.

## AMENDMENTS.

1 No convention shall be called, having the authority to alter the Constitution of the State, unless it be in pursuance of a law, passed by the affirmative vote of a majority of the members elected to each House of the Legislature, and providing that polls shall be opened throughout the State, on the same day therein specified, which shall not be less than three months after the passage of such law, for the purpose of taking the sense of the voters on the question of calling a convention. And such convention shall not be held unless a majority of the votes cast at such polls be in favor of calling the same; nor shall the members be elected to such convention, until, at least, one month after the result of the vote shall be duly ascertained, declared and published. And all acts and ordinances of the said convention shall be submitted to the voters of the State for ratification or rejection, and shall have no validity whatever until they are ratified.

2. Any amendment to the Constitution of the State may be proposed in either House of the Legislature; and if the same, being read on three several days in each House, be agreed to on its third reading, by two-thirds of the members elected thereto, the proposed amendment, with the yeas and nays thereon, shall be entered on the journals, and it shall be the duty of the Legislature to provide by law, for submitting the same to the voters of the State for ratification or rejection at the next general election thereafter, and cause the same to be published, at least three months before such election in some newspaper in every county in which a newspaper is printed. And if a majority of the qualified voters, voting on the question at the polls held pursuant to such law, ratify the proposed amendment, it shall be in force from the time of such ratification, as part of the Constitution of the State. If two or more amendments be submitted at the same time the vote on the ratification or rejection shall be taken on each separately.

## 534 QUESTIONS

ON THE

### CONSTITUTION OF WEST VIRGINIA.

ANSWERED BY REFERENCE TO SECTIONS AND ARTICLES.

#### HISTORICAL QUESTIONS.

##### THE FIRST CONSTITUTION.

1. When was the first Constitution of West Virginia adopted?

*Answer.*—The third Tuesday in April, 1862, but afterward so changed as to meet the requirements of Congress, and was a second time ratified by the people March 26th, 1863.

2. When and where did the Convention which framed it meet?

*Answer.*—In the Federal Court room at Wheeling, November 26th, 1861, and again at the same place, February 12th, 1863.

3. Who were the officers of the Convention, and how many members composed it?

*Answer.*—John Hall, of Mason county, was chosen President; Ellery R. Hall, of Taylor county, Secretary, and James C. Orr, of Ohio county, Sergeant-at-arms. There were fifty-two members.

4. How long did the first Constitution continue in force?

*Answer.*—From June 20th, 1863, until the present Constitution became operative, on the fourth Thursday in August, 1872.

# THE PRESENT CONSTITUTION.

5. When was the present Constitution of the State adopted?

*Answer.*—On the fourth Thursday in August, 1872.

6. Where did the Convention that framed it sit?

*Answer.*—In the old Methodist Episcopal Church which stood on Virginia street, between Summers and Alderson streets, in Charleston.

7. Who were the officers of the Convention and how many members composed it?

*Answer.*—Samuel Price, of Greenbrier county, was President; Gibson J. Butcher, Secretary, and Jacob V. Cunningham, Sergeant-at-arms. There were seventy-eight members.

8. Has the present Constitution been amended, and, if so, when?

*Answer.*—Yes. Section 13 of Article III., and Section 7 of Article IV., in 1883; Article VIII., in 1879; Section 12 of Article IV., Sections 2, 3, 4, 17, and 19 of Article VII., Section 2 of Article VIII., and Section 4 of Article XII., in 1902.

## ARTICLE I.

### RELATION OF THE STATE TO THE UNITED STATES.

1. West Virginia is and shall remain what? Section 1.
2. What constitutes the supreme law of the land? Section 1.
3. What is the government of the United States defined to be? Section 2.
4. What powers are reserved to the State? Section 2.
5. What are the high and solemn duties of departments of government created by this Constitution? Section 2.

6. The provisions of the Constitution of the United States and of this State are operative alike when? Section 3.
7. Any departure from this co-operation is what? Section 3.
8. Such violation tends to what? Section 3.
9. How shall the State be divided for the election of representatives in Congress? Section 4.
10. How shall each district be formed? Section 4.
11. What shall each district contain? Section 4.
12. How is this number to be obtained? Section 4.

## ARTICLE II.

### THE STATE.

1. How many and what counties compose the State? Section 1.
2. Of what were these counties a part prior to the Civil War? Section 1.
3. What provision relating to the Ohio river? Section 1.
4. What of the State's jurisdiction over the Big Sandy river? Section 1.
5. What territorial rights are now declared to be vested in West Virginia? Section 1.
6. The beds, banks, shores, etc., of these rivers belong to what counties? Section 1.
7. In whom do the powers of government reside? Section 2.
8. How, only, can these powers be exercised? Section 2.
9. Who are declared to be citizens of this State? Section 3.
10. To what shall every citizen of the State be entitled? Section 4.

11. Between whom shall no distinction be made? Section 5.

12. Who are aliens?

*Answer.*—Foreign residents of a country in which they do not possess the privileges of citizens; those owing allegiance, or belonging to another country.

13. In what does treason against the State consist? Section 6.

14. How only can a person be convicted of treason? Section 6.

15. How may treason against the State be punished? Section 6.

16. What Latin inscription on the great seal of the State is the State's motto? Section 7.

17. What is the meaning of this inscription?

*Answer.*—"Mountaineers are always free."

18. In whose custody is the great seal of the State? Section 7.

19. Writs, grants and commissions issued under authority of the State run in what name? Section 8.

20. How are official bonds made payable? Section 8.

21. How do all indictments conclude? Section 8.

### ARTICLE III.

#### BILL OF RIGHTS.

1. By nature all men are equally what and have what? Section 1.

2. When they enter into a state of society, of what can they not divest their posterity? Section 1.

3. From whom is all power derived and in whom vested? Section 2.

4. What are magistrates and to whom are they amenable? Section 2.

5. For what is government instituted? Section 3.

6. What is *government*?

*Answer.*—The exercise of authority; the direction and control of the action or conduct of men by established laws; the regulation of authority; the system of polity in a State; the established form of law.

7. Of all its various forms, which is best? Section 3.

8. When a form of government is found inadequate to secure these ends, what has a majority of a community an inalienable right to do? Section 3.

9. What privilege shall not be suspended? Section 4.

10. What is a writ of *habeas corpus*?

*Answer.*—Literally translated it means, "Bring here the body." In law it is the right of one restrained of his liberty to be brought before a judge in order that the cause of imprisonment may be inquired into and he be dealt with according to law.

11. In what manner can a person be held to answer for treason, felony, or other crimes not cognizable by a justice? Section 4.

12. What shall never be passed by the Legislature? Section 4.

13. What is meant by a bill of attainder and an *ex post facto* law?

*Answer.*—A bill of attainder is a legislative bill condemning a person to death or outlawry, and extinguishing all his civil rights and capacities, without judicial sentence. An *ex post facto* law is a law retroacting, by way of criminal punishment upon that which was not a crime before its passage, or which raises the grade of an offense, or renders an act punishable in a more severe manner than it was when committed.

14. What shall not be required under the law? Section 5.

15. How shall penalties be proportioned? Section 5.
16. Shall any one be forced to leave the State? Section 5.
17. Is a person required to testify against himself? Section 5.
18. What right of citizens shall not be violated? Section 6.
19. How only can a warrant issue? Section 6.
20. Can the freedom of speech or the press be abridged? Section 7.
21. The Legislature may make what provision relative to this? Section 7.
22. In civil suits for libel what may be given in evidence on behalf of the defendant? Section 8.
23. How only can private property be taken for public use? Section 9.
24. How may compensation for private property taken for public use be ascertained when required by either party? Section 9.
25. No person shall be deprived of life, liberty or property without what? Section 10.
26. What political tests are declared to be cruel and oppressive and repugnant to the principles of free government? Section 11.
27. Can any religious or political test oaths be required of any citizen of the State? Section 11.
28. What provision regarding standing armies? Section 12.
29. What is the relation of the military to the civil power? Section 12.
30. When only can a citizen be tried by a military court? Section 12.
31. When is the right of trial by a jury preserved in suits at common law? Section 13.

32. How only can a fact tried by a jury be re-examined? Section 13.
33. How, when and where shall trials for crimes and misdemeanors be conducted? Section 14.
34. In all such trials what efforts are made to secure to the accused a fair trial? Section 14.
35. What declaration is made regarding religious worship? Section 15.
36. For what shall no man be molested? Section 15.
37. What shall all men be free to profess? Section 15.
38. What shall the Legislature not do? Section 15.
39. Every person shall be left free to do what? Section 15.
40. What right of the people shall be held inviolate? Section 16.
41. What remedy shall all persons have in the courts of this State? Section 17.
42. How shall justice be administered in the courts? Section 17.
43. What shall a conviction not work? Section 18.
44. What is the State prevented from conferring? Section 19.
45. How can free government and the blessings of liberty be best preserved to the people? Section 20.

## ARTICLE IV.

### ELECTIONS AND OFFICERS.

1. Who are voters? Section 1.
2. Who are not permitted to vote? Section 1.
3. How long must one reside in the State before he can vote? Section 1.
4. How long must one reside in the county in which he offers to vote? Section 1.

5. Who shall not be deemed voters although stationed within the State? Section 1.
6. How shall all voting be done? Section 2.
7. What is left to the choice of the voter at the polls? Section 2.
8. From what is the voter exempt during the continuance of an election? Section 3.
9. What exception to this exemption? Section 3.
10. Who alone are eligible to election or appointment to State, county and municipal offices? Section 4.
11. The Governor and Judges must have attained what age at the beginning of their respective terms? Section 4.
12. What must be the age of the Attorney-General and Senators? Section 4.
13. How long must the Governor, Judges, Attorney-General and Senators reside in the State before being eligible to election? Section 4.
14. What oath or affirmation shall be taken or made by every person elected or appointed to any office in the State? Section 5.
15. Shall any other declaration or test be applied as a qualification? Section 5.
16. For what causes may officers elected or appointed be removed? Section 6.
17. If not removed they shall continue in office until what? Section 6.
18. What is the time of holding the general election? Section 7.
19. What officers are elected at the general election? Section 7.
20. When do the terms of members of the Legislature begin? Section 7.

21. Terms of what officers begin on the first of January succeeding their election? Section 7.

22. The term of what officer elected at the general election begins the first day of the ensuing July.

*Answer.*—The county superintendent of Free Schools.

23. Elections to fill vacancies shall be for what? Section 7.

24. Vacancies occurring prior to the general election are filled how? Section 7.

25. When do such appointments expire? Section 7.

26. With reference to public officers what shall the Legislature do in all cases not provided for by this Constitution? Section 8.

27. For what may any State officer be impeached? Section 9.

28. Which branch of the Legislature has the sole power of impeachment? Section 9.

29. Which branch tries impeachment cases? Section 9.

30. How only can a conviction be secured? Section 9.

31. Who presides over the Senate when sitting as a Court of Impeachment? Section 9.

32. Judgment in cases of impeachment extend to what? Section 9.

33. But the party convicted shall be liable to what thereafter? Section 9.

34. When may the Senate sit for the trial of impeachments? Section 9.

35. What is the penalty for participation in any manner in a duel? Section 10.

36. What shall the Legislature do with reference to elections? Section 11.

37. What laws shall it pass pertaining to elections? Section 11.

38. What is the duty of the Legislature regarding the registration of voters? Section 12.

## ARTICLE V.

### DIVISION OF POWERS.

1. What is said of the Legislative, Executive, and Judicial Departments? Section 1.
2. Is any one permitted to exercise the power of more than one of these departments at the same time? Section 1.
3. What exception to this? Section 1.

## ARTICLE VI.

### LEGISLATURE.

1. In what is the legislative or law making power vested? Section 1.
2. What is the enacting clause of the laws of the State? Section 1.
3. Of how many members does the Senate consist? Section 2.

*Answer.*—Now of thirty, the Constitutional number having been increased under the census of 1880, and again under that of 1900.

4. How many members compose the House of Delegates? Section 2.

*Answer.*—Now of eighty-six, the number having been increased according to the Constitutional provision, under the census returns of 1890, and again under that of 1900.

5. What is the length of term of State Senators? Section 3.
6. What is the length of term of members of the House of Delegates? Section 3.
7. How are the Senators classified? Section 3.

8. After the first election under the Constitution, how have Senators been elected? Section 3.
9. Describe the Senatorial Districts of the State as at present constituted? Section 4.
10. How are members of the House of Delegates distributed? Section 6.
11. What is the arrangement by which the present House of Delegates is elected?
12. When are the Delegates apportioned? Section 7.
13. How is the ratio of representation ascertained? Section 7.
14. How are additional Delegates to make up the required number chosen? Section 7.
15. What must every county not included in a delegate district have? Section 7.
16. What is the present arrangement by which the members of the House of Delegates are chosen under the apportionment of the census of 1890? Section 9.
17. When must the arrangement be declared? Section 10.
18. When only can the arrangement thus made be changed? Section 10.
19. How only can additional territory become a part of this State? Section 11.
20. If additional territory be admitted into the State what must be done? Section 11.
21. How may the number of members in each branch of the Legislature be increased? Section 11.
22. What of residence and qualifications of a Senator or Delegate? Section 12.
23. If either remove from the district or county from which elected what occurs? Section 12.
24. Who are declared to be ineligible to a seat in the Legislature? Section 13.

25. What of those who have been convicted of bribery, perjury or other infamous crime? Section 14.
26. What is said of those who have collected or have been intrusted with public money? Section 14.
27. Senators and Delegates are debarred from election or appointment to what offices? Section 15.
28. What exception to this? Section 15.
29. In what contracts shall no member of the Legislature be interested? Section 15.
30. Can you repeat the oath to be taken by members of the Legislature? Section 16.
31. What additional oath is required of each member? Section 16.
32. By whom may these oaths be administered? Section 16.
33. When must they be taken? Section 16.
34. What is the duty of the Secretary of State in connection with these oaths? Section 16.
35. If a member refuses to take these oaths what is the result? Section 16.
36. What penalty is attached to the violation of these oaths? Section 16.
37. When and for what time are members of the Legislature exempt from arrest? Section 17.
38. What exception to this exemption? Section 17.
39. What provision regarding words spoken by a member in debate or upon a report, motion or proposition? Section 17.
40. Where must the Legislature assemble? Section 18.
41. How and not oftener? Section 18.
42. What exception providing for more frequent sessions? Section 18.
43. When did the Legislature first meet under this Constitution? Section 18.

44. What is the time of its biennial meeting? Section 18.
- ✓ 45. When and how may the Governor convene the Legislature in extra session? Section 19.
46. When is he required to convene it? Section 19.
47. Where shall the seat of Government be? Section 20.
48. When may the Governor convene the Legislature elsewhere than at Charleston? Section 21.
49. When may the Legislature, when in session, adjourn to meet elsewhere than at the seat of Government? Section 21.
50. What is the length of a regular session of the Legislature? Section 22.
51. How may the regular session be extended? Section 22.
52. For what time only can one House adjourn without the consent of the other? Section 23.
53. Can either House adjourn to another place without the consent of the other? Section 23.
54. What constitutes a quorum in the Legislature? Section 24.
55. What may a smaller number than a quorum do? Section 24.
56. What does each House determine? Section 24.
57. Of what shall each House be the judge? Section 24.
58. What shall each House choose? Section 24.
59. What shall each appoint and may remove? Section 24.
60. Upon convening who calls the respective Houses to order and presides until presiding officers are chosen? Section 24.
61. Does this mean the oldest member in age or the oldest in point of service in the Legislature?

*Answer.*—It is held to mean the oldest in point of service as a member of the Legislature.

62. How may members of the respective Houses be punished for disorderly behavior? Section 25.

63. How may a member of either House be expelled? Section 25.

54. What power is given to each House? Section 26.

65. For what and how may either House punish a person not a member? Section 26.

66. How is such imprisonment limited? Section 26.

67. What does this punishment not do? Section 26.

68. Laws shall be enacted compelling all officers collecting or holding public moneys to do what? Section 27.

69. What shall be the effect of such settlement? Section 27.

70. What provision is made that the people may have information of such settlement? Section 27.

71. Where may bills and resolutions originate? Section 28.

72. What may be done with said bills and resolutions in either House? Section 28.

73. What of the reading of a bill before it can become a law? Section 29.

74. What exception to this? Section 29

75. What provision regarding an engrossed bill? Section 29.

76. What is an *engrossed bill*?

*Answer.*—One which has been plainly written, with all its amendments preparatory to final action on its passage?

✓ 77. How many objects can be embraced in a bill? Section 30.

78. Wherein must this object be expressed? Section 30.

79. If any object be not so expressed, what is the effect upon the bill? Section 30.
80. What provision regarding the revival of a law, or amended section? Section 30.
81. In what time does a law take effect after its passage? Section 30.
82. How may a law be made to take effect from the date of its passage? Section 30.
83. What is the effect of one House amending a bill or joint resolution by the other House? Section 31.
84. When the bill or resolution as amended is returned to the House which passed it, what takes place? Section 31.
85. How many members must be present and voting when the question is that of concurrence in amendments? Section 31.
86. When the words, "a majority of the members elected to either House of the Legislature," or words of like import are used in this Constitution, how are they construed? Section 32.
87. What is the pay per day of a member of the Legislature? Section 33.
88. What provision for the pay of his traveling expenses? Section 33.
89. What titles are given to the presiding officers of the respective Houses? Section 33.
90. What is the pay per day of the Speaker of the House and the President of the Senate? Section 33.
91. What is declared regarding additional pay to members of the Legislature? Section 33.
92. For what shall the Legislature provide? Section 34.
93. How shall the public printing be done? Section 34

125. What is the value of personal property which may be exempt from forced sale? Section 48.
126. What provision regulating such homestead exemption? Section 48.
127. What laws shall be enacted for the protection of married women? Section 49.
128. What scheme may the Legislature submit to a vote of the people at any general election? Section 50.
129. If said plan or scheme shall receive a majority of all the votes cast at such election, what shall the Legislature do at its next session? Section 50.

## ARTICLE VII.

### EXECUTIVE DEPARTMENT.

1. Of what officers does the Executive Department consist? Section 1.
2. The Attorney-General is ex-officio what? Section 1.
3. What is the length of term of each and when does it begin? Section 1.
4. Where are all the executive officers except the Attorney-General, required to reside? Section 1.
5. Where are they required to keep the records, books and papers pertaining to their respective offices? Section 1.
6. What shall they perform? Section 1.

### ELECTION.

7. What is said of the election for Governor, Secretary of State, State Superintendent of Free Schools, Auditor, Treasurer and Attorney-General? Section 2.
8. What is done with the returns of every election for said officers? Section 3.

9. What does the Speaker of the House of Delegates do with them? Section 3.
10. Where do members of both Houses assemble when the votes for State officers are counted? Section 3.
11. Who must be declared elected to each office? Section 3.
12. In case of a tie what is done? Section 3.
13. How are contested elections for the office of Governor determined? Section 3.
14. By whom is the Secretary of State appointed, and what is the length of his term? Section 3.

#### ELIGIBILITY.

15. Can any one of the executive officers hold another office during his term of service? Section 4.
16. Which of the executive officers is ineligible to re-election? Section 4.
17. In whom shall the chief executive power be vested? Section 5.
18. What shall the Governor do at the beginning of each session of the Legislature? Section 6.
19. What must accompany his message? Section 6.
20. When may the Governor convene the Legislature at his own instance? Section 7.
21. When thus convened, upon what business only shall it enter? Section 7.
22. In whom is the appointing power vested? Section 8.
23. How are appointments made by the Governor confirmed? Section 8.
24. In case of a vacancy in an appointive office, how is the same filled? Section 9.
25. For what time is a vacancy filled? Section 9.
26. Can the same person be nominated by the Gov-

ernor twice for the same office at the same session of the Senate? Section 9.

27. How and for what may the Governor remove an appointee? Section 10.
28. In case of removal, how is the office filled? Section 10.
29. Who alone can remit fines and penalties? Section 11.
30. In whom is the pardoning power vested? Section 11.
31. Regarding pardons and remissions of fines, what must the Governor communicate to the Legislature? Section 11.
32. Who is Commander-in-Chief of the military forces of the State? Section 12.
33. When is the Governor not the Commander-in-Chief? Section 12.
34. For what may he call upon the military? Section 12.
35. What may the Governor require of a State officer who has executed his official bond? Section 13.
36. What may be done if such officer does not furnish such additional security? Section 13.
37. Every bill passed by the Legislature must be presented to whom? Section 14.
38. What does he do if he approves it, and what is the effect? Section 14.
39. What must he do if he does not approve it? Section 14.
40. What shall the House do upon the return of the bill with the Governor's disapproval? Section 14.
41. If a majority of the said House agree to pass the bill, what action must be taken? Section 14.
42. Any bill not returned within five days shall be what? Section 14.

43. What provision regarding this in case of adjournment of the Legislature? Section 14.
44. In what four ways, then, may a bill become a law? Section 14.
45. In a bill appropriating money and embracing distinct items, one or more of which be objected to by the Governor, are all other parts of the bill affected? Section 15.
46. Items excepted to are void, unless what? Section 15.
47. How may the office of Governor become vacant? Section 16.
48. In case of vacancy, who is the immediate successor of the Governor? Section 16.
49. Who is the lawful successor of the President of the Senate in the office of Governor? Section 16.
50. In case of inability of the Speaker of the House to fill the office of Governor, what shall be done? Section 16.
51. If a vacancy occurs, when only can a new election be held to fill it? Section 16.
52. If vacancies occur in the offices of Secretary of State, Auditor, Treasurer, State Superintendent of Free Schools, or Attorney-General, how are the same filled? Section 17.
53. How long shall such appointee hold his office? Section 17.
54. All subordinate officers of the Executive Department and officers of public institutions, are required to keep what account? Section 17.
55. What report is required to be made? Section 17.
56. Any officer making a false report shall be guilty of what crime? Section 17.
57. What State officers must make reports to the Governor? Section 18.

58. When must these be made and what does the Governor do with them? Section 18.
59. What may the Governor require of the other executive officers at any time? Section 18.
60. What annual salary is paid to each executive officer of the State? Section 19.
61. What is the salary of the Secretary of State? Section 19.

## ARTICLE VIII.

(As amended in 1879 and 1902.)

### JUDICIAL DEPARTMENT.

1. In what is the Judicial Power vested? Section 1.

### SUPREME COURT OF APPEALS.

2. Of what does the Supreme Court of Appeals consist? Section 2.
3. How many of said judges constitute a quorum for the transaction of business? Section 2.
4. What is the length of term of each? Section 2.
5. In what cases does the Supreme Court of Appeals have original jurisdiction? Section 3.
6. What is meant by *habeas corpus*, *mandamus*, and prohibition?

*Answer.*—(1) See *habeas corpus*, question 10, Article III.

(2) A writ issued by a superior court, and directed to some inferior tribunal or to some corporation or person exercising authority, commanding the performance of some specified duty. (3) A writ issued by a superior tribunal directed to an inferior court, commanding the latter to cease from the prosecution of a suit depending before it.

7. In what does it have appellate jurisdiction? Section 3.

8. What does *appellate* mean?

*Answer.*—Pertaining to, or taking cognizance of appeals.

9. What is meant by *quo warranto*?

*Answer.*—It is the name of a writ by which the Government commences an action to recover an office or franchise from the person or corporation in possession. The writ commands the sheriff to summons the defendant to appear before the court to which it is returnable to show (*quo warranto*) by what authority he claims the office or franchise, and why he does not surrender the same to his successor.

10. What does *certiorari* mean?

*Answer.*—A writ issued by a superior to an inferior court of record, requiring the latter to send into the former some proceeding therein pending, or the records and proceedings in some cause already terminated in cases where the procedure is not according to the course of the common law.

11. In what cases does the State have the same right to appeal as the defendant? Section 3.

12. When only is a decision rendered by the Supreme Court of Appeals binding upon the inferior court? Section 4.

13. What exception to this rule? Section 4.

14. When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals what shall be done? Section 5.

15. What provision regarding a syllabus? Section 5.

16. How is the syllabus published and who must concur in it? Section 5.

17. How and when only can a writ of error, supersedeas, or appeal be allowed by the Supreme Court of Appeals? Section 6.

18. What does *supersedeas* mean?

*Answer.*—In law, it is a writ of command to suspend the powers of an officer in certain cases or to stay proceedings under another writ.

19. If a vacancy occur in the Supreme Court of Appeals how is it filled when the unexpired term is less than two years? Section 7.
20. How when the unexpired term is more than two years? Section 7.
21. How are the officers of the Supreme Court of Appeals appointed? Section 8.
22. What State official is the reporter of the said Court? Section 8.
23. What is the least number of terms of this Court which can be held annually? Section 9.

✓ CIRCUIT COURT.

24. What is the number of Judicial Circuits into which the State is divided? Section 10.
25. How many Judges in the first circuit? Section 10.
26. How many in each of the others? Section 10.
27. How many years constitute the term of a Circuit Judge? Section 10.
28. How is a vacancy in the office of a judge of the Circuit Court filled? Section 10.
29. Where is the Circuit Judge required to reside? Section 10.
30. What provisions are made relating to the judges of the first Circuit? Section 10.
31. Where and how often is the Circuit Court to be held? Section 11.
32. What is said of special terms? Section 11.
33. Can a judge of one Circuit hold court in another Circuit? Section 11.

34. Of what does the Circuit Court have supervision and control? Section 12.
35. How may this supervision and control be exercised? Section 12.
36. The Circuit Courts have general jurisdiction in what cases? Section 12.
37. In what cases has the Circuit Court appellate jurisdiction? Section 12.
38. What other jurisdiction has the Circuit Court? Section 12.
39. How is the State now divided into Circuits?
40. How and when can a re-arrangement of the Circuits be made? Section 14.
41. Since when and how can the number of Circuits be diminished or increased? Section 14.
42. How and for what cause may special terms of the Circuit Court be held? Section 15.

GENERAL PROVISIONS.

43. By whom are all the judges commissioned? Section 16.
44. What is the salary of a judge of the Supreme Court of Appeals? *Answer.*—Now fixed by the Legislature at \$4,500 per annum.
45. What salary is paid a judge of the Circuit Court? *Answer.*—Now fixed by the Legislature at \$3,300 per annum.
46. What of the mileage of the Judges of the Supreme Court of Appeals and of the Circuit Courts? Section 16.
47. What county may make an additional allowance to the Circuit Judges? Section 16.
48. Can this allowance be changed during the term of office of the judge to whom it has been made? Section 16.

49. From what is a judge prohibited during his term of office? Section 16.
50. What results from his acceptance of any other office while judge?
51. Is he eligible to any political office during his term? Section 16.
- ✓ 52. How may judges be removed from office? Section 17.
53. For what causes may he be removed? Section 17.
54. How many of the members of both Houses must vote affirmatively to remove a judge? Section 17.
55. What must be given to the judge before the Legislature can procede against him? Section 17.
56. What is said of the election of a Circuit Clerk? Section 18.
57. What is the length of his term of office? Section 18.
58. How may he be removed from office and the vacancy filled? Section 18.
59. How and when may courts of limited jurisdiction be established? Section 19.
60. Have any of these courts of limited jurisdiction been established?

*Answer.*—Yes. In all, nine of them, among them being the Criminal Courts of Cabell, Kanawha, Wood, Ohio, Mercer, Fayette and McDowell counties.

61. Appeals from these Criminal Courts must be taken to what court? Section 19.
62. What provision regarding the person and property of soldiers on either side in the Civil War? Section 20.
63. What shall the Legislature do with reference to the 20th Section? Section 20.
64. Parts of the common law continue to be the law of the State till when? Section 21.

COUNTY COURTS.

65. What court in each county, how composed and what constitutes a quorum? Section 22.
66. How many terms are held per year? Section 22.
67. What of special sessions of this court? Section 22.
68. How are the Commissioners chosen, and what is the length of the term? Section 23.
69. Can two Commissioners be elected from the same Magisterial District? Section 23.
70. What is to be done when two residing in the same Magisterial District appear to have the highest number of votes? Section 23.
71. How is the President of the County Court chosen? Section 23.
72. What do the Commissioners receive for their services, and how is the same paid? Section 23.
73. Through their clerks, the County Courts have the custody of what? Section 24.
74. They have jurisdiction in what? Section 24.
75. They have superintendence and administration of what? Section 24.
76. They have what authority relative to county finances? Section 24.
77. What provision regarding license or the sale of intoxicating liquors? Section 24.
78. What authority in contested election cases? Section 24.
79. What other powers may be exercised by these courts? Section 24.
80. Provision may be made for what during the recess of the court? Section 24.
81. What provision was made regarding courts of similar jurisdiction existing at the time of the adoption of the Constitution? Section 24.

82. What was done with all judicial proceedings.

*Answer.*—The newly created County Court having no jurisdiction in the trial of causes, all records of the same were transferred to the Circuit Court in which said causes are now tried.

83. How is the clerk of the County Court chosen and what is the length of his term of office? Section 26.

84. What of his duties and compensation? Section 26.

85. Into what and how shall each county be divided? Section 27.

86. In a district having a population not exceeding twelve hundred, what officer shall be elected? Section 27.

87. If the population exceeds twelve hundred, how many Justices of the Peace shall be elected? Section 27.

88. Where shall each Justice reside? Section 27.

89. What is the length of his term? Section 27.

90. How only can the Magisterial Districts be changed or new ones created? Section 27.

91. To what actions does the jurisdiction of the Justice of the Peace extend when the amount in question does not exceed three hundred dollars? Section 28.

92. What do the words *assumpsit*, *detinue* and *trover* mean?

*Answer.*—*Assumpsit*, from ASSUME. In law, a promise or undertaking founded on a consideration. An action to recover damages for a breach or non-performance of contract. *Detinue*, from DETAIN. To detain. A thing detained; a form of action for the recovery of personal property wrongfully detained. *Trover*,

the action of gaining possession of any goods, whether by finding or by other means. An action to recover damages against one who found goods and would not deliver them to the owner on demand, or to recover the value of goods wrongfully converted to another's use.

93. What is the territorial extent of the jurisdiction of Justices of the Peace? Section 28.

94. How can their jurisdiction be extended? Section 28.

95. Can an appeal be taken from the decision of a Justice of the Peace? Section 28.

96. To what courts must the appeal from the decision of a Justice of the Peace be taken?

*Answer.*—Appeals in all Civil actions must be taken to the Circuit Court; but in Criminal actions, an appeal may be taken to either the Criminal or the Circuit Court.

97. Can another court or tribunal be established in lieu of the County Court? Section 29.

98. Are the offices of Commissioner and Justice of the Peace compatible? Section 30.

99. Vacancies in the offices of Commissioner, Clerk of the County Court or Justice of the Peace, are how filled? Section 30.

100. For what time are said vacancies filled? Section 30.

## ARTICLE IX.

### COUNTY ORGANIZATION.

1. What officers shall be elected by the voters of each county? Section 1.

2. What is the length of term of each? Section 1.

3. What provision regarding the election of Constables? Section 2.

4. How long do they serve and to what civil division does their authority extend? Section 2.
5. What powers are granted to assessors? Section 2.
6. What officers are appointed by the County Court? Section 2.
7. As to the residence of county officers what exception as to the Prosecuting Attorney? Section 2.
8. Which county officer can not succeed himself or be elected to any other office at the expiration of his term? Section 3.
9. What shall he do at the close of his term and what of his official bond? Section 3.
10. How shall the duties of the office of Sheriff be performed? Section 3.
11. To what shall all county and district officers be subject? Section 4.
12. What shall follow conviction? Section 4.
13. What shall the Legislature do regarding all officers not provided for by the Constitution? Section 5.
14. For what are they required to give bond? Section 5.
15. For what further shall the Legislature provide? Section 6.
16. Who shall be conservators of the peace? Section 7.
17. What provision regarding the area and population of a new county? Section 8.
18. What must the county from which a new one is taken, contain after the division? Section 8.
19. The consent of whom must be obtained before a new county can be formed? Section 8.

## ARTICLE X.

### TAXATION AND FINANCE.

1. What is said of taxation? Section 1.
2. How must all property be taxed? Section 1.

3. What property under the Constitution is exempt from taxation? Section 1.
4. What power is conferred upon the Legislature regarding privileges and franchises? Section 1.
5. What tax is levied upon each male citizen over twenty-one years of age? Section 2.
6. What is such a tax called?

*Answer.*—A capitation or poll tax.

7. For what is this tax used? Section 2.
8. What persons are exempt from it? Section 2.
9. How only can public money be drawn from the State Treasury? Section 3.
10. Can public money be used for any other purpose than that for which it is appropriated. Section 3.
11. What detailed statement is to be published annually? Section 3.
12. For what only shall a State debt be contracted? Section 4.
13. The payment of any liability other than the ordinary expenses of the State shall be distributed how? Section 4.
14. The Legislature's power of taxation shall extend to what? Section 5.
15. When a deficiency occurs what shall the Legislature do at its next session? Section 5.
16. To what shall the credit of the State not be granted? Section 6.
17. What shall the State never assume or become responsible for? Section 6.
18. What shall the State never become? Section 6.
19. What is the limit of county taxation? Section 7.
20. What exception to this limit? Section 7.
21. How only can it be extended beyond ninety-five cents for other purposes? Section 7.

22. What is the limit of indebtedness which may be contracted by a county, city, school district or municipal corporation? Section 8.
23. Payment of such debts must be provided for and made in what time? Section 8.
24. What action is necessary before any such debts can be contracted? Section 8.
25. What may the Legislature authorize? Section 9.

## ARTICLE XI.

### CORPORATIONS.

1. What shall the Legislature provide concerning corporations? Section 1.
2. What provision regarding a special law? Section 1.
3. To what amount is a stock-holder in a corporation or joint stock company liable and what institutions are exceptions to this rule? Section 2.
4. In the election of directors or managers of incorporated companies, what shall the Legislature provide? Section 4.
5. What rights and privileges shall any stock-holder have as to voting? Section 4.
6. How only can directors or managers be elected? Section 4.
7. What is the Legislature prohibited from doing concerning a street railroad? Section 5.
8. What consent must be obtained before such street railroad can be constructed? Section 5.

### BANKS.

9. How may the Legislature provide for the organization of banks of issue or circulation? Section 6.
10. What are the liabilities of stock-holders in banks thus created? Section 6.

RAILROADS.

11. Every railroad corporation organized or doing business in this State is required to make what? Section 7.
12. What must such report set forth? Section 7.
13. The rolling stock and all the movable property of a railroad company belong to what class of property? Section 8.
14. To what is said property liable? Section 8.
15. What prohibition regarding exemption of such property? Section 8.
16. What are all railroads in the State declared to be? Section 9.
17. What laws shall from time to time be passed by the Legislature respecting them? Section 9.
18. How are such laws to be enforced? Section 9.
19. Under what conditions and where can railroads be required to establish stations? Section 10.
20. What provision relating to the consolidation of stock of competing or parallel lines of railroads? Section 11.
21. How only can control of competing lines be obtained? Section 11.
22. The exercise of the power and right of eminent domain shall never be abridged so as to prevent what? Section 12.
23. What is meant by *eminent domain*?

*Answer.*—The right or power to take private property for public use.

ARTICLE XII.

EDUCATION.

1. For what shall the Legislature provide by general law? Section 1.

2. What of the supervision of the State Superintendent? Section 2.
3. In the performance of other duties imposed upon him, how are his expenses paid and to what amount? Section 2.
4. For what additional school officials may the Legislature provide? Section 3.
5. From what sources does the "Permanent and Invested School Fund" come? Section 4.
6. How shall it be invested? Section 4.
7. If such United States and State securities cannot be obtained, then how may the said Fund be invested? Section 4.
8. What State officers compose the "Board of the School Fund"? Section 4.
9. To what purpose only can the interest of the "Permanent and Invested School Fund" be applied? Section 4.
10. What is done with any part of the interest not expended at the close of the fiscal year? Section 4.
11. What provision as to the taxes upon delinquent lands? Section 4.
12. To what amount is the Permanent or Irreducible School Fund now limited? Section 4.
13. When and how was this limitation imposed? Section 4.
14. What was done with the excess over one million dollars? Section 4.
15. To what uses are the money and taxes heretofore payable into the State Treasury to the credit of the Permanent or Irreducible School Fund, now applied? Section 4.
16. In what ways shall the Legislature provide for the support of free schools? Section 5.

17. For what local taxation shall it provide for the partial support of the free schools? Section 5.
18. With what minor civil division of the county is the school district identical?

*Answer.*—The Magisterial Districts.

19. To whom are all levies laid by the county or district for the support of free schools reported? Section 7.
20. By whom is the school tax collected and disbursed? Section 7.
21. What provision regarding the teaching of white and colored persons? Section 8.
22. From what are all persons connected with the free school system of the State prohibited? Section 9.
23. To what persons and to what cases does the above prohibition not extend? Section 9.
24. How only can an independent school district be created? Section 10.
25. What provision relating to increase of normal schools or branches thereof? Section 11.
26. What duty is imposed upon the Legislature regarding the moral, intellectual, scientific and agricultural improvement of the people? Section 12.
27. What must the Legislature do for the blind, mute and insane? Section 12.
28. It must provide for the organization of what institutions? Section 12.

## ARTICLE XIII.

### LAND TITLES.

1. What provisions regarding rights and interests in land derived from or under the laws of Virginia or the first Constitution of this State? Section 1.

2. Questions pertaining to such titles shall be determined how? Section 1.
3. What prohibition regarding warrants on lands? Section 2.
4. The title to all waste, forfeited or escheated lands shall be vested in him having continuous possession for what time, provided claimant has paid taxes how long? Section 3.
5. What exception to the ten-year clause above? Section 3.
6. What disposition is made of all lands forfeited or escheated to the State? Section 4.
7. What does *escheated* mean?

*Answer.*—To revert or become forfeited to the State, as lands, by the failure of persons entitled to hold the same, by forfeiture or by failure to pay taxes thereon.

8. When lands are sold for taxes, what is done with the excess of the proceeds of the sale over the amount due for taxes? Section 5.
9. What is made the duty of every land owner? Section 6.
10. What results when the taxes on a tract of land of 1,000 acres or more have not been paid for five years? Section 6.
11. What special provision for the redemption of lands forfeited by infants, married women or insane persons? Section 6.

## ARTICLE XIV.

### AMENDMENTS.

1. How only can a convention be called having authority to change the Constitution of the State? Section 1.

2. What time must elapse after the passage of the act before a vote of the people can be taken? Section 1.
3. Then such convention can only be called when? Section 1.
4. When the people have voted in favor of a convention, what time must elapse before delegates to the same can be elected? Section 1.
5. Before acts and ordinances of the convention become valid, what must be done? Section 1.
6. How can an amendment to the Constitution be proposed? Section 2.
7. If thus proposed, what must then be done? Section 2.
8. For what shall the Legislature then provide? Section 2.
9. How must the said vote to be taken on the amendment be advertised? Section 2.
10. If the proposed amendment be ratified by the people at the polls, when shall it be enforced? Section 2.
11. If two or more amendments be submitted at the same time, how must the vote be taken? Section 2.

## LIST OF OFFICIAL POSITIONS, ELECTIVE AND APPOINTIVE, IN THE STATE, COUNTY, AND MAGISTERIAL DISTRICT.

### THE RULE OF THE PEOPLE

The Government of West Virginia is that form of rules and principles by which the people of the State are governed, or rather by which they govern themselves. All male citizens at least twenty-one years of age (not disqualified by law) are entitled to vote at all elections held within the counties in which they reside, and only persons entitled to vote can be elected to any office. (Read Article IV of the State Constitution, pp. 291-295.) This government is divided into three departments—Legislative, Executive, and Judicial. (Read Article V of the Constitution, p. 295.)

### THE LEGISLATIVE DEPARTMENT

The Legislative or lawmaking power is vested in a Senate and House of Delegates, collectively called the Legislature. It adopts Resolutions, and enacts laws; the enacting clause of the latter is:—"Be it enacted by the Legislature of West Virginia." (Read Article VI of the Constitution, pp. 295-310.)

### THE EXECUTIVE DEPARTMENT

The Executive department consists of the Governor, Secretary of State, State Superintendent of Free Schools, Auditor of State, Treasurer of State, Attorney-General,

and Commissioner of Agriculture, together with such appointed help as may be necessary to perform the duties pertaining to their several offices. All the elective State officers, except the Commissioner of Agriculture, are required to reside at the capital of the State. (Read Article VII of the Constitution, pp. 311-317.)

## THE JUDICIAL DEPARTMENT

The Judicial power of the State is vested in the Supreme Court of Appeals, in Circuit Courts, and the Judges thereof, and in such inferior tribunals as are authorized by law, and in Justices of the Peace. The Supreme Court of Appeals consists of five Judges.

## STATE OFFICIALS ELECTED BY THE PEOPLE

The State officers elected by the people are,—Governor, Secretary of State, State Superintendent of Free Schools, Auditor of State, Treasurer of State, Attorney-General, and Commissioner of Agriculture, and members of the State Senate and House of Delegates. Their qualifications, terms, salaries, and duties are as follows:

**Governor.**—Must be thirty years of age; term, four years; cannot succeed himself; salary, \$5,000 per annum; is chief executive officer of the State, and Commander-in-Chief of its military establishment.

**Secretary of State.**—Term, four years; salary, \$4,000 per annum; is Superintendent of Public Printing, and Secretary *ex-officio* and member of the Board of Public Works; issues certificates of incorporation to joint stock companies.

**State Superintendent of Free Schools.**—Term, four years; salary, \$4,000 per annum; exercises general super-

vision of the Free School System of the State, and prepares and distributes all blanks and stationery used in the administration thereof.

**Auditor of State.**—Term, four years; salary, \$4,500 per annum; he is the chief revenue officer of the State, all the public moneys thereof passing through his hands; he is *ex-officio* Insurance Commissioner, and as such, appoints the State Fire Marshal.

**Treasurer of State.**—Term, four years; salary, \$3,500 per annum; issues checks for State obligations on warrants therefor from the Auditor of State.

**Attorney-General.**—Term, four years; salary, \$4,000 per annum; must have been a citizen of the State five years preceding his election, and be not under twenty-five years of age; is the legal adviser of the Governor and other State officials. Is *ex-officio* Reporter of the Supreme Court of Appeals.

**Commissioner of Agriculture.**—Term, four years; salary, \$4,000 per annum; must be a practical farmer and thus engaged for a period of at least ten years next preceding his election to office; is at the head of the Department of Agriculture.

**Board of Public Works.**—Composed of the Governor, Secretary of State, State Superintendent of Free Schools, Auditor of State, Treasurer of State, Attorney-General, and Commissioner of Agriculture. Assesses value of all public utilities of the State; designates the banks in which State moneys are to be kept.

**Board of School Fund.**—Composed of the Governor, who is *ex-officio* President; the Auditor of State, who is *ex-officio* Secretary; the Treasurer of State; and the

State Superintendent of Free Schools; has control of the "Permanent School Fund."

**Commissioners of Public Printing.**—Three in number, namely the Auditor of State, Treasurer of State, and the State Superintendent of Free Schools. Let contracts every two years for the public printing of the State; all contracts must be approved by the Governor.

**State Senators.**—Thirty in number; two from each Senatorial District; one elected biennially for the term of four years; compensation four dollars per day during continuance of session, and mileage of ten cents per mile to and from the seat of government; must be at least twenty-five years of age.

**Members of the House of Delegates.**—Eighty-six in number; term, two years; compensation, four dollars per day during continuance of session, and mileage of ten cents per mile to and from the seat of government.

## OFFICIALS APPOINTED BY THE GOVERNOR

**Staff Officers.**—The Governor's Staff consists of the Adjutant-General, with the rank of Brigadier-General; and in addition thereto, six aides with rank not above that of colonel, may be detailed from the National Guard. The Governor may appoint and commission an honorary staff to serve during his term of office, of such number as he may deem advisable, and with such rank as he may fix; but this is not a part of the regularly organized militia.

**Adjutant-General.**—Term, four years; salary, \$3,600 per annum; performs, in time of peace, the duties of chief of the pay, quartermaster, and ordnance departments.

**Brigadier-General of the West Virginia National Guard.**—Term, four years; salary, \$15.07 per day while employed in active service.

**Public Service Commission.**—Created by act passed February 20, 1913. Four members; term, eight years; salary, \$6,000 each per annum. Has jurisdiction over railroads, express companies, and other common carriers; also over telegraph, telephone, pipe line, and water companies, and companies furnishing gas and electricity.

**State Board of Control.**—Created by act passed February 22, 1909. Three members; term, six years; salary, \$5,000 each per annum; has control of the West Virginia Asylum, the West Virginia Hospital for the Insane; the second Hospital for the Insane; the Penitentiary; the West Virginia Reform School; the West Virginia Industrial Home for Girls; Miners' Hospitals, Nos. 1, 2, and 3; School for the Deaf and Blind; and such other institutions, except educational, as may be created by law. Also has charge of the financial affairs of the institutions controlled by the State Board of Regents (see next paragraph).

**State Board of Regents.**—Created in 1909; five members, including the State Superintendent of Free Schools; term, four years; salary (except the State Superintendent, who receives only his expenses) is \$1,000 each per annum, and actual expenses; has control of the Educational Departments of the West Virginia University, and its preparatory branches; the State Normal School and its branches; the West Virginia Colored Institute, and of the Bluefield Colored Institute. Has authority, in consultation with the teachers and professors of the several institutions, to prescribe the courses

of study to be pursued and the text-books to be used therein.

**State Tax Commissioner.**—Office created by an act passed August 11, 1904. Term, six years; salary \$4,000 and traveling expenses, not to exceed \$1,000 per annum; duties are to see that all laws concerning levies and assessments and collection of taxes are faithfully enforced.

**State Historian and Archivist.**—Office created in 1905; term, four years; salary, \$3,000 per annum; is the custodian of the State Archives, Museum, and is Librarian of its Historical and Miscellaneous Library.

**State Law Librarian.**—Office established in 1868; term, four years; salary, \$1,200 per annum; is custodian of the State Law Library.

**Chief of the Department of Mines.**—Established in 1883; salary, \$3,000 per annum; appoints twelve Deputy Mine Inspectors and enforces mining laws relating to the safety of those employed in the mines of the State.

**Pardon Attorney.**—Term, four years; salary, \$2,000 per annum; examines all applications for pardon from persons confined in the State prison, and reports the result thereof to the Governor.

**Forestry, Game, and Fish Warden.**—Term, four years; salary, \$1,000 per annum; enforces the laws for the protection of the forests, game, and fish of the State, and prosecutes those who violate them.

**Commissioner of Banking.**—Term, four years; salary, \$2,500 per annum; duty to examine into the affairs of all the banks and other financial institutions incorporated and doing business under the laws of the State, other than national banks.

**State Commissioner of Labor.**—Office created by an act passed February 21, 1889. Term, four years; salary, \$1,000 per annum, and actual expenses; makes annual reports to the Governor relating to all departments of labor.

**State Board of Health.**—Created by act passed March 8, 1881; ten members; term, four years; members must be physicians; compensation, four dollars per day, when employed, and traveling expenses. Examines all applicants for license to practice medicine in the State.

**Board of Examiners in Optometry.**—Act of February 26, 1909. Consists of five members.

**Board of Dental Examiners.**—Act of February 20, 1897. Five in number; term, four years; compensation, fees. Examines and issues certificates to dentists who practice in the State.

**State Board of Embalmers.**—Act of February 24, 1899. Consists of one member from each Congressional District; term, four years; salary, \$2 a day, and necessary expenses; examines and issues certificates to all qualified applicants who desire to carry on the business of embalmers or undertakers.

**The Berkeley Springs Board.**—Five members; cannot be appointed from any county adjoining or adjacent to Morgan county; holds office at the pleasure of the Governor; controls the Berkeley Springs property for the State.

**Trustees of the Point Pleasant Battle Monument.**—Three in number; term, four years; actual traveling expenses and such compensation per diem as the Legislature may allow.

**West Virginia Humane Society.**—Established by an act passed February 17, 1899. This Society consists of one member from each Congressional District; has branches in all the cities and larger towns in the State; objects are to prevent cruelty to children, to the aged, and also to dumb animals.

**Board for the Examination of Accountants.**—Established by an act passed February 14, 1911. Consists of two Accountants and an Attorney-at-Law; term, three years; compensation, fees. Examines and issues certificates to persons desiring to act as public Accountants of the State.

**State School Book Commission.**—Nine members, of whom the State Superintendent of Free Schools is one, and *ex-officio* secretary; term, five years; compensation, \$5 per day for not exceeding ten days in any one year, and necessary expenses; awards contracts for textbooks for use in the public schools of the State.

**Superintendents of State Institutions.**—One each for the Hospital for the Insane at Weston; Second Hospital for the Insane at Spencer; West Virginia Asylum at Huntington; Industrial School for Girls at Salem; the Reform School for Boys at Pruntytown; the State Penitentiary at Moundsville.

**Vaccine Agents.**—Provided for by act approved March 24, 1873. Three in number; term, four years; residence, one at each of the following places: Charleston, Martinsburg, and Wheeling; compensation, \$50 each per year.

**Notaries Public.**—Governor appoints in each of the counties of the State as he may deem proper; term, ten years; compensation, fees; administer oaths and take

depositions; take acknowledgments of deeds; may issue warrants for persons about to engage in a prize fight; may demand payment of, and protest for non-payment on notes, checks, bills, etc.

## OFFICIALS APPOINTED BY THE BOARD OF PUBLIC WORKS

**Commissioner of Immigration.**—Established by act of March 3, 1864; term, holds office at the pleasure of the Board, by which body his compensation is fixed. Duties are to connect himself, by correspondence, with the principal sources of emigration and secure the greatest publicity to the political, social, industrial, and agricultural conditions of the State. This office has been vacant much of the time since its creation.

**Board of Pharmacy.**—Act of February 21, 1881. Consists of one member from each Congressional District in the State; term, five years; compensation, \$5 per day, and necessary expenses. Examines and issues certificates to applicants desiring to engage in the business of druggist.

## APPOINTED BY THE AUDITOR OF STATE

**The Fire Marshal.**—Created by act of February 23, 1909. Holds office at the pleasure of the Auditor; salary, \$2,000 per annum; duty is to investigate the cause, origin, and circumstances of every fire occurring in the State, by which property has been destroyed or damaged, when the damage exceeds fifty dollars.

## APPOINTED BY THE STATE SUPERINTENDENT OF FREE SCHOOLS

**State Board of Education.**—Created in 1908. Composed of the State Superintendent of Free Schools, and five members appointed by him; term, four years; compensation, \$5 per day and expenses. Prescribes course of study for the public schools of the State, including intermediate and high schools; defines the relations that each bears to the other; prescribes the branches in which applicants for primary and high-school teachers' certificates shall be examined; grants upon examination, State professional certificates in two classes; certificates of the first class for twelve years; second class good for six years; grants certificates of the second class without examination to graduates of the West Virginia University, of the State Normal School of West Virginia, and its branches, and of other schools of the State whose grade of work is equal in all respects, in the judgment of the Board, to that of the Normal School and its branches.

## OFFICIALS APPOINTED BY LEGISLATIVE ENACTMENT

**Commission of the State Geological and Economic Survey.**—Composed of the Governor, Treasurer of State, President of the West Virginia University, President of the State Board of Agriculture, and the Director of the West Virginia Agricultural Experiment Station; serves without pay, reimbursed for actual expenses incurred in the performance of duties; has general charge of the Geological and Economic Survey of the State; appoints a geologist as Superintendent of the same, and such assistants and employees as may be

deemed necessary. Makes examination of the geological formation of the State; examination and classification of the soils and their adaptability to particular crops; examination of the forest and timber lands of the State; and examination of the physical features of the State.

**Anatomical Board of West Virginia.**—Created by an act passed February 16, 1901. Consists of the professor of Human Anatomy, the professor of Comparative Anatomy, and the professor of Pathology in the College of Medicine at the West Virginia University. Receives bodies of those who die unclaimed in any almshouse, prison, morgue, hospital, or asylum in West Virginia, for scientific uses and purposes of the College.

## JUDICIAL OFFICERS ELECTED BY THE PEOPLE

**Judges of the Supreme Court of Appeals.**—Five in number; term, twelve years; salary, \$5,500 each per annum; constitute the Court of Last Resort; hold three terms of Court annually, respectively at Charleston, Wheeling, and Charles Town, in January, June, and August; have both original and appellate jurisdiction.

**Judges of the Circuit Court.**—Twenty-four in number, that is, one in each of the twenty-three Judicial Circuits, except in Ohio county, where there are two; term, eight years; salary, \$3,300 each per annum; and in Circuits in which there are counties having a population of forty-seven thousand or more, the County Court may increase this sum not exceeding \$1,200 per annum.

**Judges of the Criminal Court.**—One each in the counties of Cabell, Fayette, Harrison, Kanawha, Marion, Mercer, Mingo (to be discontinued after December 31,

1912), McDowell, Ohio, Wood, and Raleigh; term, six years, except in Fayette, where it is four years; salaries ranging from \$1,500 to \$3,300 per annum.

## COUNTY OFFICIALS ELECTED BY THE PEOPLE C

**Sheriff.**—Term, four years; compensation, salary varies in the several counties from \$200 to \$500 per annum, with fees and commissions. Collects State tax and license fees and pays same to the Auditor of State; collects the county revenues and disburses the same on the order of the County Court.

**Prosecuting Attorney.**—Term, four years; salary varies in the several counties from \$400 to \$1,800 per annum, and fees; is attorney for the State in all actions at law in which it has an interest.

**Commissioners of the County Court.**—Three in number; compose the County Court; term, six years; compensation, \$2 per day while employed; have custody, through the Clerk, of all deeds and other papers presented for record in the County; establish and regulate all roads, ways, bridges, public landings, and ferries; lay and disburse all county levies; have jurisdiction in all matters of probate and the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts.

**Clerk of the County Court.**—Term, six years; salary varies in the several counties from \$200 to \$600 per annum and fees; is custodian of the seal of the County Court, and of all deeds and other papers which are made matters of record in his office.

**Clerk of the Circuit Court.**—Term, six years; salary varies in the several counties from \$200 to \$1,200

per annum, and fees; is custodian of the seal of the Circuit Court, and of all books, documents and papers pertaining to said Court.

**Assessor.**—Term, four years; annual compensation varies in the several counties from \$1,000 to \$2,100; collects poll tax, and values for purposes of taxation all real and personal property.

**County Superintendent of Free Schools.**—Term, four years; salary, based on the number of schools in the several counties, varies from \$700 to \$1,500 per annum; must be a person of successful experience in teaching or supervising schools, and hold a first-grade certificate or its equivalent.

**Surveyor of Lands.**—Term, four years; compensation, fees only; executes all orders of any Court for the survey of any lands in his county; and all surveys must be made by horizontal measurements.

## COUNTY OFFICIALS APPOINTED BY THE BOARD OF PUBLIC WORKS

**Board of Equalization and Review.**—One in each county, consisting of three members; term, four years; compensation, \$4 per day for not exceeding twenty-five days in any one year. Reviews and equalizes the assessment of property as returned by the Assessor.

## COUNTY OFFICIALS APPOINTED BY THE CIRCUIT COURT .

**Commissioner of School Lands.**—Term, at the pleasure of the Court; compensation, fees and commis-

sions; reports to the Auditor and makes sale of school lands, that is, of lands for which no title exists, or that have been sold for taxes and purchased by the State.

## OFFICIALS APPOINTED BY THE COUNTY COURT

**County Road Engineer.**—Appointment is optional with the Court; term, two years; compensation varies in the several counties from \$300 to \$1,500 per annum; must be a practical roadmaker or civil engineer, who shall be competent to establish grades and keep the roads in order as provided by law.

**Coroners.**—Term, at the pleasure of the Court; compensation, \$2 per day while employed in official capacity; examine into the cause of death of persons found dead, if there is reason to believe that the death was caused by unlawful means.

**Commissioners of Accounts.**—Not more than four in number; compensation, fee only; have general supervision over all fiduciaries qualified in their county, and are required to make settlement therewith and report same to the County Court.

**Road Supervisors.**—One for each Magisterial District in counties where there is no County Road Engineer; compensation, not to exceed \$2.50 per day while actually engaged in the official capacity.

**Overseers of the Poor.**—One for each Magisterial District in the county; term, two years; compensation, not to exceed \$1.50 per day while necessarily employed in the duties of their offices.

## MAGISTERIAL DISTRICT OFFICERS ELECTED BY THE PEOPLE

**Justices of the Peace.**—One in each Magisterial District having a population less than twelve hundred, and two may be elected when the population exceeds that number; term, four years; compensation, fees.

**Constables.**—One for each Magisterial District having a population less than twelve hundred, and two may be elected if the population exceeds that number; term, four years; compensation, fees.

**Board of Education.**—Consists of a President and two School Commissioners; term of President, four years, of the Commissioners, two years; compensation, \$2 per day, not to exceed fifteen days for the President, nor ten days for each Commissioner in any one year. Has supervision of the schools of the District, and power to levy a tax for their support.

## OFFICIALS APPOINTED BY THE MAGISTERIAL DISTRICT BOARD OF EDUCATION

**Secretary of the Board of Education.**—Term, one year; salary varies with the number of schools, from \$20 to \$50 per annum, and \$410 additional for making report to the County Superintendent; records the official proceedings of the Board and keeps its accounts.

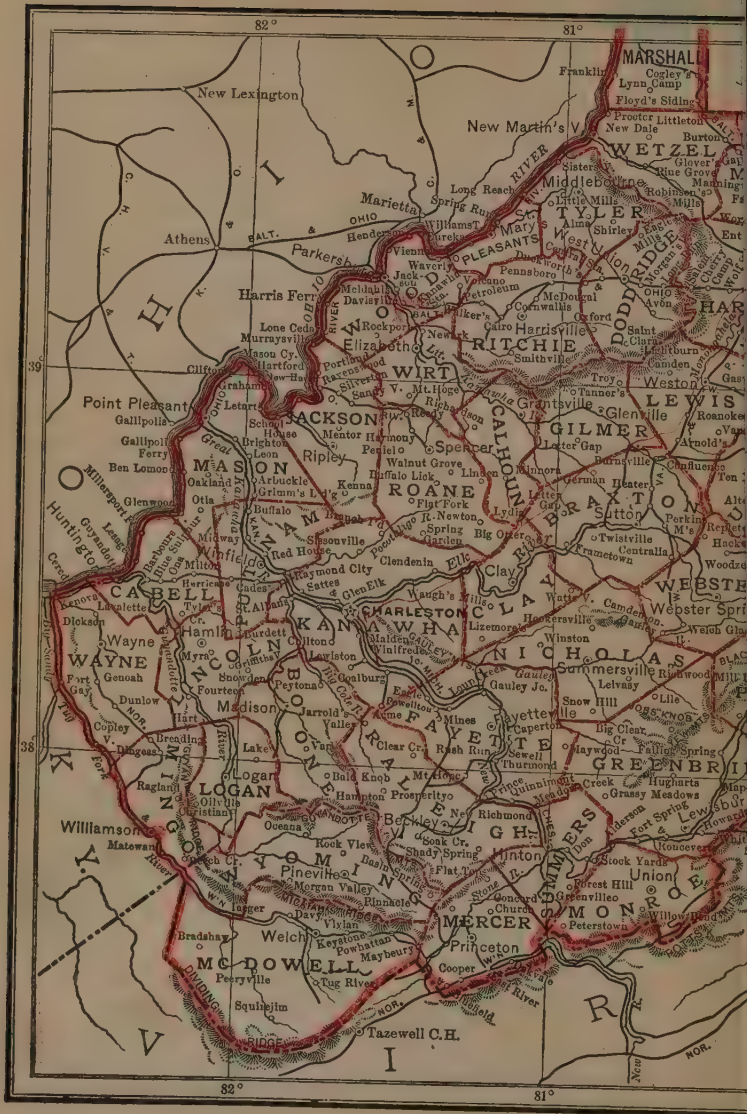
**School Trustees.**—Three in each sub-district; term, three years; serve without compensation; appoint teachers; purchase supplies for school and have general control of the school house and other school property.

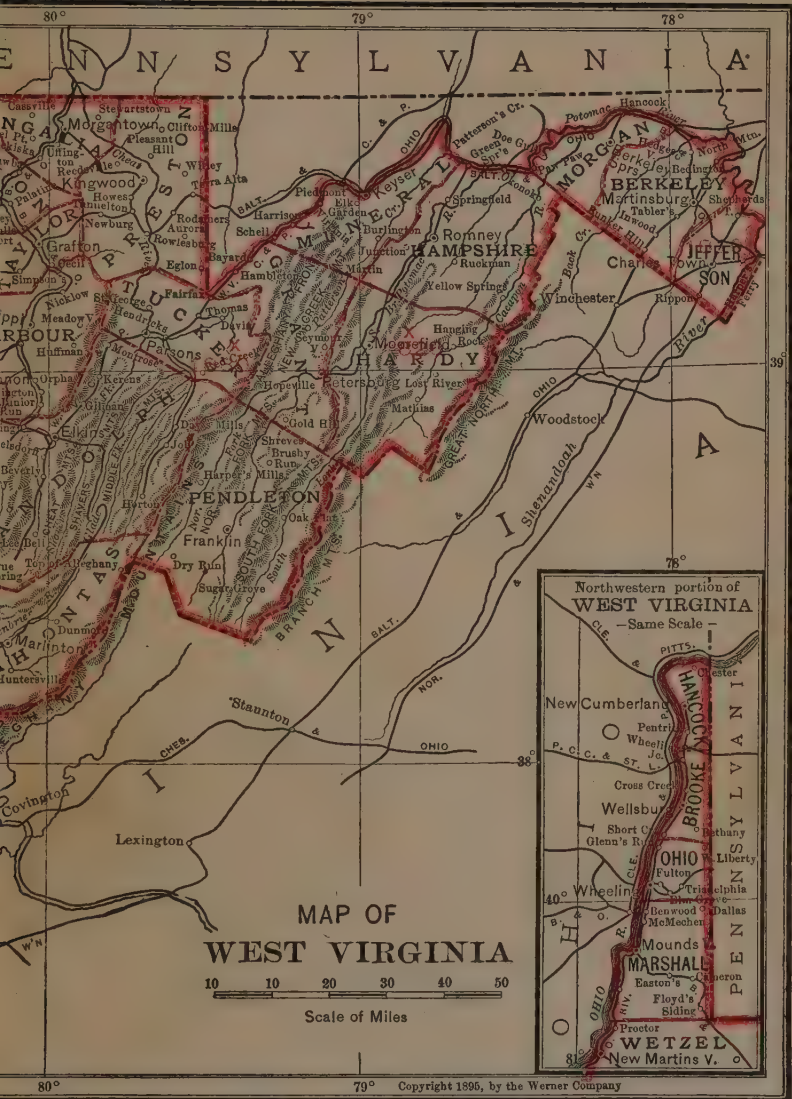
**Truant Officer.**—Term, one year; compensation, \$2 per day for time actually employed in official capacity; enforces the law requiring pupils to attend school.

# APPENDIX I.

TABLE—Showing Population of West Virginia, by Counties, from 1790 to 1910 Inclusive.

COUNTIES.	1910	1900	1890	1880	1870	1860	1850	1840	1830	1820	1810	1800	1790
Barbour .....	15,858	14,198	12,702	11,870	10,312	8,958	9,005	10,972	10,518	11,211	11,479	22,006	19,713
Berkeley .....	21,999	19,489	18,702	17,380	14,900	12,525	11,771	10,972	10,518	11,211	11,479	22,006	19,713
Boone .....	10,331	8,194	6,885	4,553	4,553	4,840	3,837	2,575	7,041	6,631	5,843	4,706	.....
Braxton .....	23,023	18,904	13,928	9,787	6,480	4,992	4,212	7,984	7,041	6,631	5,843	4,706	.....
Brooke .....	11,098	7,219	6,660	6,013	5,464	4,994	5,054	7,984	7,041	6,631	5,843	4,706	.....
-Cabell .....	46,685	29,252	23,595	13,744	6,429	8,020	6,299	8,163	5,884	4,789	2,717	.....	.....
Calhoun .....	11,258	10,266	8,155	6,072	2,939	2,502	.....	.....	.....	.....	.....	.....	.....
Clay .....	10,233	8,248	4,659	3,460	2,196	1,787	2,750	.....	.....	.....	.....	.....	.....
Doddridge .....	12,572	13,689	12,183	10,552	7,076	5,203	3,955	3,924	.....	.....	.....	.....	.....
Fayette .....	51,903	31,987	20,542	11,560	6,647	5,997	3,955	3,924	.....	.....	.....	.....	.....
Gilmer .....	11,379	11,762	9,746	7,108	4,338	3,759	3,475	.....	.....	.....	.....	.....	.....
Grant .....	7,888	7,275	6,802	5,342	4,467	.....	.....	.....	.....	.....	.....	.....	.....
Greenbrier .....	24,833	20,638	18,034	15,060	11,417	12,211	10,022	8,695	9,006	7,041	5,914	4,345	6,015
Hampshire .....	11,694	11,806	11,419	10,366	7,643	13,913	11,036	12,295	11,279	10,889	9,784	8,348	7,346
Hancock .....	10,465	6,693	6,414	4,882	4,363	4,445	4,050	.....	.....	.....	.....	.....	.....
Hardy .....	9,163	8,449	7,567	6,794	5,518	9,864	9,543	7,622	6,798	5,700	5,525	6,627	7,386
Harrison .....	48,381	27,690	21,919	20,181	16,714	13,790	11,728	17,669	14,722	10,932	9,958	4,848	2,080
Jackson .....	20,956	22,987	19,021	16,312	10,300	8,306	6,544	4,890	.....	.....	.....	.....	.....
Jefferson .....	15,889	15,935	15,553	15,005	13,219	14,535	15,357	14,082	12,927	13,087	11,851	.....	.....
Kanawha .....	81,457	54,696	42,756	32,466	22,349	16,150	15,353	13,567	9,326	6,399	3,866	3,239	.....
Lewis .....	18,281	16,980	15,895	13,269	10,175	7,999	10,031	8,151	6,241	4,247	.....	.....	.....
Lincoln .....	20,491	15,434	11,246	8,739	5,053	.....	.....	.....	.....	.....	.....	.....	.....
Logan .....	14,476	6,955	7,329	5,124	4,938	4,938	3,620	4,309	3,680	.....	.....	.....	.....
McDowell .....	47,856	18,747	7,300	3,074	1,952	1,535	.....	.....	.....	.....	.....	.....	.....
Marion .....	42,794	32,430	20,721	17,198	12,107	12,722	10,552	.....	.....	.....	.....	.....	.....
Marshall .....	32,388	26,444	20,735	18,840	14,941	12,997	10,138	6,937	.....	.....	.....	.....	.....
Mason .....	23,019	24,142	22,863	22,293	15,978	9,173	7,539	6,777	6,534	4,868	1,991	.....	.....
Mercer .....	38,371	23,023	16,042	7,467	7,064	6,819	4,222	2,233	.....	.....	.....	.....	.....
Mineral .....	16,674	12,883	12,085	8,630	6,332	.....	.....	.....	.....	.....	.....	.....	.....





TABLE—Showing Population of West Virginia, Etc.—Continued.

COUNTIES.	1910	1900	1890	1880	1870	1860	1850	1840	1830	1820	1810	1800	1790
Mingo.....	19,431	11,359	15,705	14,985	13,547	13,048	12,387	17,368	14,056	11,060	12,903	8,540	4,766
Monongalia.....	24,354	19,049	12,429	11,501	11,124	10,757	10,204	8,420	7,798	6,580	5,444	4,188	.....
Monroe.....	13,055	13,130	6,744	5,777	4,315	3,732	3,557	4,253	2,694	2,500	.....	.....	.....
Morgan.....	7,848	7,294	9,309	7,223	4,458	4,627	3,963	2,515	3,346	1,853	.....	.....	.....
Nicholas.....	17,699	11,403	41,557	37,457	28,831	22,422	18,006	13,357	15,384	9,182	8,175	4,740	5,212
Ohio.....	57,572	48,024	8,711	8,022	6,455	6,164	5,795	6,940	6,271	4,846	4,239	3,962	2,452
Pendleton.....	9,349	9,167	7,539	6,256	3,012	3,958	.....	3,598	.....	.....	.....	.....	.....
Pleasants.....	8,074	9,845	7,539	6,256	3,012	3,958	.....	3,598	.....	.....	.....	.....	.....
Pocahontas.....	14,740	8,572	6,814	5,591	4,069	13,312	11,708	2,922	2,542	.....	.....	.....	.....
Preston.....	26,341	22,727	20,355	19,091	14,555	13,312	11,708	6,866	5,144	3,422	.....	.....	.....
Putnam.....	18,587	17,330	14,342	11,375	7,794	3,367	1,765	.....	.....	.....	.....	.....	.....
Raleigh.....	25,633	12,436	9,597	7,367	3,673	3,367	1,765	.....	.....	.....	.....	.....	.....
Randolph.....	26,028	17,670	11,633	8,102	5,563	4,990	5,243	6,208	5,000	3,357	2,854	1,826	951
Ritchie.....	17,875	18,901	15,621	13,474	9,055	6,847	3,902	.....	.....	.....	.....	.....	.....
Roane.....	21,543	19,852	15,303	12,184	7,932	5,351	.....	.....	.....	.....	.....	.....	.....
Summers.....	18,420	16,265	13,117	9,033	.....	.....	.....	.....	.....	.....	.....	.....	.....
Taylor.....	16,554	14,978	12,147	11,455	9,367	7,463	5,367	.....	.....	.....	.....	.....	.....
Tucker.....	18,675	13,433	6,459	3,151	1,907	1,428	.....	.....	.....	.....	.....	.....	.....
Tyler.....	16,211	18,252	11,962	11,073	7,832	6,517	5,498	6,954	4,104	2,314	.....	.....	.....
Upshur.....	16,629	14,696	12,714	10,249	8,023	7,092	.....	.....	.....	.....	.....	.....	.....
Wayne.....	24,081	23,619	18,552	14,739	7,852	6,747	4,760	.....	.....	.....	.....	.....	.....
Webster.....	9,680	8,862	4,783	3,207	1,730	1,555	.....	.....	.....	.....	.....	.....	.....
Wetzel.....	23,855	22,880	16,841	13,866	8,595	6,703	4,284	.....	.....	.....	.....	.....	.....
Wirt.....	9,047	10,284	9,411	7,104	4,801	3,751	3,353	.....	.....	.....	.....	.....	.....
Wood.....	38,001	34,452	25,612	25,006	19,000	11,046	9,450	7,923	6,429	5,860	3,036	1,217	.....
Wyoming.....	10,392	8,380	6,347	4,322	3,171	2,861	1,645	.....	.....	.....	.....	.....	.....
Totals.....	1,221,119	958,800	762,794	618,457	442,014	376,688	302,313	224,537	176,924	136,708	105,469	73,592	55,873

NOTE.—From the Table, it appears that some of the Counties have decreased in population. Thus it is seen that in Berkeley County, the population was greater in 1800 than in 1910, but this is due to a diminution of territory, for in the first named year, Berkeley contained all of Jefferson and Morgan Counties, and other territory in addition thereto.

## APPENDIX II.

### AN ACT FOR THE ADMISSION OF WEST VIRGINIA.

The following is the text of the Act admitting West Virginia into the Union, as it was passed at the Second Session of the Thirty-seventh Congress, and approved by President Lincoln:

WHEREAS, The people inhabiting that portion of Virginia known as West Virginia did, by a convention assembled in the city of Wheeling, on the 26th of November, eighteen hundred and sixty-one, frame for themselves a Constitution with a view of becoming a separate and independent State; and, whereas, at a general election held in the counties composing the territory aforesaid, on the third day of May last, the said Constitution was approved and adopted by the qualified voters of the proposed State; and whereas, the Legislature of Virginia, by an act passed on the thirteenth day of May, eighteen hundred and sixty-two, did give its consent to the formation of a new State within the jurisdiction of the said State of Virginia, to be known by the name of West Virginia, and to embrace the following named counties, towit: Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis,

Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier, Monroe, Pendleton, Hardy, Hampshire and Morgan; and whereas, both the convention and the Legislature aforesaid have requested that the new State should be admitted into the Union; and the Constitution aforesaid being Republican in form, Congress doth hereby consent that the said forty-eight counties may be formed into a separate and independent State; therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the State of West Virginia be, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever, and until the next general census, shall be entitled to three members in the House of Representatives of the United States; Provided, always, that this act shall not take effect until after the proclamation of the President of the United States hereinafter provided for.

It being represented to Congress that since the convention of the 26th of November, eighteen hundred and sixty-one, that framed and proposed the Constitution for the said State of West Virginia, the people thereof have expressed a wish to change the seventh section of the eleventh article of said Constitution by striking out the same and inserting the following in its place, viz.: "The children of slaves born within

the limits of this State after the fourth day of July, eighteen hundred and sixty-three, shall be free, and that all slaves within the said State, who shall at the time aforesaid be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten and under twenty-one years shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein; therefore,

SECTION 2. *Be it further enacted*, That when the people of West Virginia shall, through their said convention, and by a vote to be taken at an election to be held within the limits of the said State, as such time as the convention may provide, and properly certify the same under the hand of the president of the convention, it shall be lawful for the President of the United States to issue his proclamation stating the fact, and therefore this act shall take effect and be in force from and after sixty days from the date of said proclamation.

Approved December 31, 1862.

## APPENDIX III.

### NAMES OF ALL STATE OFFICIALS FROM THE FOR- MATION OF THE STATE TO THE PRESENT TIME, WITH DATE OF SERVICE.

(Blanks indicate unexpired terms.)

#### GOVERNORS.

FROM	TO
June 20, 1863.....Arthur Ingraham Boreman.....	Feb. 26, 1869
Feb. 27, 1869.....Daniel D. T. Farnsworth.....	Mar. 3, 1869
Mar. 4, 1869.....William Erskine Stevenson.....	Mar. 3, 1871
Mar. 4, 1871.....John Jeremiah Jacob.....	Mar. 3, 1877
Mar. 4, 1877.....Henry Mason Mathews.....	Mar. 3, 1881
Mar. 4, 1881... .. Jacob Beeson Jackson.....	Mar. 3, 1885
Mar. 4, 1885.....Emanuel Willis Wilson.....	Feb. 5, 1890
Feb. 6, 1890.....Aretus Brooks Fleming.....	Mar. 3, 1893
Mar. 4, 1893.....William Alex. MacCorkle.....	Mar. 3, 1897
Mar. 4, 1897.....George W. Atkinson.....	Mar. 3, 1901
Mar. 4, 1901.....Albert B. White.....	Mar. 3, 1905
Mar. 4, 1905.....William M. O. Dawson.....	Mar. 3, 1909
Mar. 4, 1909.....William E. Glasscock.....	Mar. 3, 1913
Mar. 4, 1913.....Henry D. Hatfield.....	_____

#### AUDITORS OF STATE.

June 20, 1863.....Samuel Crane.....	Mar. 3, 1865
Mar. 4, 1865.....Joseph Marcellus McWhorter.....	Mar. 3, 1869
Mar. 4, 1869.....Thomas Boggess.....	Mar. 3, 1871
Mar. 4, 1871.....Edward A. Bennett.....	Mar. 3, 1877
Mar. 4, 1877.....Joseph S. Miller.....	Mar. 3, 1885
Mar. 4, 1885.....Patrick Fee Duffey.....	Mar. 3, 1893
Mar. 4, 1893.....Isaac V. Johnson.....	Mar. 3, 1897
Mar. 4, 1897.....Latelle M. LaFollette.....	Mar. 3, 1901
Mar. 4, 1901.....Arnold C. Scherr.....	Mar. 3, 1909
Mar. 4, 1909.....John S. Darst.....	_____

## TREASURERS OF STATE.

FROM		TO
June 20, 1863.....	Campbell Tarr.....	Mar. 3, 1867
Mar. 4, 1867.....	Jacob H. Bristol.....	Mar. 3, 1869
Mar. 4, 1869.....	James A. Macauley.....	Mar. 3, 1871
Mar. 4, 1871.....	John S. Burdett.....	Jan. 30, 1876
Jan. 31, 1876.....	Sobieski Brady.....	Mar. 3, 1877
Mar. 4, 1877.....	Thomas J. West.....	Mar. 3, 1881
Mar. 4, 1881.....	Thomas O'Brien.....	Mar. 3, 1885
Mar. 4, 1885.....	William T. Thompson.....	Mar. 3, 1893
Mar. 4, 1893.....	John M. Rowan.....	Mar. 3, 1897
Mar. 4, 1897.....	M. A. Kendall.....	Mar. 3, 1901
Mar. 4, 1901.....	Peter Silman.....	Mar. 3, 1905
Mar. 4, 1905.....	Newton Ogden.....	Mar. 3, 1909
Mar. 4, 1909.....	E. Lesley Long.....	_____

## ATTORNEYS-GENERAL.

June 20, 1863.....	Aquilla Bolton Caldwell.....	Dec. 31, 1864
Jan. 1, 1865.....	Ephraim B. Hall.....	Dec. 31, 1865
Jan. 1, 1866.....	Edwin Maxwell.....	Dec. 31, 1866
Jan. 1, 1867.....	Thayer Melvin.....	July 1, 1869
July 2, 1869.....	Aquilla Bolton Caldwell.....	Dec. 31, 1870
Jan. 1, 1871.....	Joseph Sprigg.....	Dec. 31, 1872
Jan. 1, 1873.....	Henry Mason Mathews.....	Mar. 3, 1877
Mar. 4, 1877.....	Robert White.....	Mar. 3, 1881
Mar. 4, 1881.....	Cornelius C. Watts.....	Mar. 3, 1885
Mar. 4, 1885.....	Alfred Caldwell.....	Mar. 3, 1893
Mar. 4, 1893.....	Thomas S. Riley.....	Mar. 3, 1897
Mar. 4, 1897.....	Edgar P. Rucker.....	Mar. 3, 1901
Mar. 4, 1901.....	Romeo H. Freer.....	Mar. 3, 1905
Mar. 4, 1905.....	Clark W. May..... (died)....	Apr. 25, 1908
May 9, 1908.....	William G. Conley.....	Mar. 3, 1913
Mar. 4, 1913.....	Abraham A. Tilly.....	_____

## STATE SUPERINTENDENTS OF FREE SCHOOLS.

FROM	TO
June 20, 1863.....William R. White.....	Mar. 3, 1869
Mar. 4, 1869.....H. A. G. Ziegler.....	Feb. 17, 1870
Feb. 19, 1870.....Alvin D. Williams.....	Mar. 3, 1871
Mar. 4, 1871.....Charles S. Lewis.....	Dec. 31, 1872
Jan. 1, 1873.....William K. Pendleton.....	Mar. 3, 1873
Mar. 4, 1873.....Benjamin W. Byrne.....	Mar. 3, 1877
Mar. 4, 1877.....William K. Pendleton.....	Mar. 4, 1881
Mar. 4, 1881.....Bernard L. Butcher.....	Mar. 3, 1885
Mar. 4, 1885.....Benjamin S. Morgan.....	Mar. 3, 1893
Mar. 4, 1893.....Virgil A. Lewis.....	Mar. 3, 1897
Mar. 4, 1897.....James Russell Trotter.....	Mar. 3, 1901
Mar. 4, 1901.....Thomas C. Miller.....	Mar. 3, 1909
Mar. 4, 1909.....Morris P. Shawkey.....	_____

## SECRETARIES OF STATE.

June 20, 1863.....Jacob Edgar Boyers.....	Mar. 3, 1865
Mar. 4, 1865.....Granville Davison Hall.....	Mar. 3, 1867
Mar. 4, 1867.....John H. Witcher.....	Mar. 3, 1869
Mar. 4, 1869.....James M. Pipes.....	Mar. 3, 1871
Mar. 4, 1871.....John M. Phelps.....	Mar. 3, 1873
Mar. 4, 1873.....Charles Hedrick.....	Mar. 3, 1877
Mar. 4, 1877.....Sobieski Brady.....	Mar. 3, 1881
Mar. 4, 1881.....Randolph Stalnaker.....	Mar. 3, 1885
Mar. 4, 1885.....Henry S. Walker.....	Apr. 21, 1890
Apr. 22, 1890.....William A. Ohley.....	Mar. 24, 1893
Mar. 25, 1893.....William E. Chilton.....	Mar. 3, 1897
Mar. 4, 1897.....William M. O. Dawson.....	Mar. 3, 1905
Mar. 4, 1905.....Charles Wesley Swisher.....	Mar. 3, 1909
Mar. 4, 1909.....Stuart F. Reed.....	_____

## COMMISSIONERS OF AGRICULTURE.

Mar. 4, 1913.....Howard E. Williams.....	_____
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## JUDGES OF THE SUPREME COURT OF APPEALS.

Ralph L. Berkshire.....	from 1863 to 1866
James H. Brown.....	" 1863 to 1870
William H. Harrison.....	" 1863 to 1870
Edwin Maxwell.....	" 1867 to 1872
Ralph L. Berkshire.....	" 1869 to 1872
Charles P. T. Moore.....	" 1871 to 1881
James Paull.....	" 1873 to 1875
John S. Hoffman.....	" 1873 to 1876
Alpheus F. Haymond.....	" 1873 to 1882
Thomas C. Green.....	" 1876 to 1880
Matthew Edmiston.....	" 1876 to 1876
Okey Johnson.....	" 1877 to 1889
James F. Patton.....	" 1881 to 1882
Adam C. Snyder.....	" 1882 to 1890
Samuel Woods.....	" 1883 to 1888
Henry Brannon.....(two terms).....	" 1889 to 1912
John W. English.....	" 1889 to 1901
Homer A. Holt.....	" 1890 to 1897
Daniel B. Lucas.....	" 1891 to 1893
Marmaduke H. Dent.....	" 1893 to 1905
Henry C. McWhorter.....	" 1897 to 1908
George Poffenbarger.....	" 1901 to —
Warren Miller.....	" 1902 to 1905
Frank Cox.....(resigned).....	" 1905 to 1907
Joseph M. Saunders.....(resigned).....	" 1905 to 1907
William N. Miller.....(successor to Cox).....	" 1907 to —
Ira E. Robinson.....(successor to Saunders).....	" 1909 to —
L. Judson Williams.....	" 1909 to —
Charles W. Lynch.....	" 1913 to —

## UNITED STATES SENATORS FROM WEST VIRGINIA.

Peter G. Van Winkle.....	from 1863 to 1869
Waitman T. Willey.....	" 1863 to 1871
Arthur I. Boreman.....	" 1869 to 1875
Henry G. Davis.....	" 1871 to 1883
Allen T. Caperton.....	" 1875 to 1876

Samuel Price.....	from 1876 to 1877
Frank Hereford.....	" 1877 to 1881
Johnson N. Camden.....	" 1881 to 1887
John E. Kenna.....	" 1883 to 1893
Charles J. Faulkner.....	" 1887 to 1899
Johnson N. Camden.....	" 1893 to 1895
Stephen B. Elkins.....	" 1895 to 1911
Nathan B. Scott.....	" 1899 to 1911
Davis Elkins <sup>1</sup> .....	" 1911 to 1911
Clarence W. Watson.....	" 1911 to 1913
William E. Chilton.....	" 1911 to —
Nathan Goff.....	" 1913 to —

<sup>1</sup> Hon. Stephen B. Elkins died at twelve o'clock Wednesday night, January 4, 1911, while a member of the United States Senate; and on the 9th ensuing, Governor Glasscock appointed his son, Davis Elkins, to fill the vacancy; and he served until the 2nd of February following, when he was succeeded by Clarence W. Watson.

## THE COUNTIES OF WEST VIRGINIA.\*

WHEN AND FROM WHAT FORMED; FROM WHOM OR WHAT NAMED;  
AREA, AND SEAT OF JUSTICE.

**BARBOUR**, formed in 1843, from parts of Lewis, Harrison and Randolph; named from James Barbour, a Governor of Virginia in 1812; area, 360 square miles; seat of justice—Philippi.

**BERKELEY**, formed in 1772, from Frederick county, and named from Norborne Berkeley, Baron de Botetourt, Governor under King George III. in 1768; area, 306 square miles; seat of justice—Martinsburg.

**BOONE**, formed in 1847, from parts of Kanawha, Cabell and Logan, and named from Daniel Boone, the founder of Kentucky; area, 520 square miles; seat of justice—Madison.

**BRAXTON**, formed in 1836, from parts of Lewis, Kanawha and Nicholas, and named from Carter Braxton, one of Virginia's signers of the Declaration of Independence; area, 620 square miles; seat of justice—Sutton.

**BROOKE**, formed in 1797, from Ohio county, and named from Robert Brooke, a Governor of Virginia, in 1794; area, 80 square miles—the smallest county in the State; seat of justice—Wellsburg.

**CABELL**, formed in 1809, from Kanawha, and named from William H. Cabell, a Governor of Virginia in 1805; area, 300 square miles; seat of justice—Huntington.

**CALHOUN**, formed in 1855, from Gilmer, and named from John C. Calhoun, an American statesman; area, 260 square miles; seat of justice—Grantsville.

**CLAY**, formed in 1856, from parts of Braxton and Nicholas, and named from Henry Clay, an American statesman; area, 390 square miles; seat of justice—Clay.

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\*For extended notice of each county, see the Author's "General History of West Virginia."

- DODDRIDGE**, formed in 1845, from parts of Harrison, Tyler, Ritchie and Lewis, and named from Philip Doddridge, a member of Congress from Virginia; area, 300 square miles; seat of justice—West Union.
- FAYETTE**, formed in 1831, from parts of Kanawha, Greenbrier, Nicholas and Logan, and named from General Lafayette; area, 730 square miles; seat of justice—Fayetteville.
- GILMER**, formed in 1845, from parts of Lewis and Kanawha, and named from Thomas Walker Gilmer, a Secretary of the Navy, who was killed on board the steamer Princeton, at Mount Vernon in 1844; area, 360 square miles; seat of justice—Glenville.
- GRANT**, formed in 1866, from Hardy, and named from General U. S. Grant; area, 510 square miles; seat of justice—Petersburg.
- GREENBRIER**, formed in 1777, from Montgomery and Botetourt counties, and named from its principal river; area, 1,000 square miles; seat of justice—Lewisburg.
- HAMPSHIRE**, formed in 1754, from Frederick and Augusta counties, and named from Hampshire, England; the oldest county in the State; area, 620 square miles; seat of justice—Romney.
- HANCOCK**, formed in 1848, from Brooke, and named from John Hancock, President of the Continental Congress; area, 100 square miles; seat of justice—New Cumberland.
- HARDY**, formed in 1786, from Hampshire, and named from Samuel Hardy, an early member of Congress from Virginia; area, 450 square miles; seat of justice—Moorefield.
- HARRISON**, formed in 1784, from Monongalia, and named from Benjamin Harrison, a Governor of Virginia in 1781, and one of the signers of the Declaration of Independence; area, 450 square miles; seat of justice—Clarksburg.
- JACKSON**, formed in 1831, from parts of Mason, Kanawha and Wood, and named from Andrew Jackson, President of the United States; area, 400 square miles; seat of justice—Ripley.

**JEFFERSON**, formed in 1801, from Berkeley, and named from Thomas Jefferson, a Governor of Virginia and President of the United States; area, 250 square miles; seat of justice—Charles Town.

**KANAWHA**, formed in 1789, from parts of Greenbrier and Montgomery, and named from its chief river; area, 980 square miles; seat of justice—Charleston.

**LEWIS**, formed in 1816, from Harrison, and named from Colonel Charles Lewis, who was killed at the battle of Point Pleasant, in 1774; area, 400 square miles; seat of justice—Weston.

**LINCOLN**, formed in 1867, from parts of Cabell, Putnam, Kanawha and Boone; named from Abraham Lincoln, President of the United States; area, 430 square miles; seat of justice—Hamlin.

**LOGAN**, formed in 1824, from parts of Giles, Tazewell, Cabell and Kanawha, and named from Logan, an Indian chief-tain of the Mingo tribe; area, 443 square miles; seat of justice—Logan.

**MARION**, formed in 1842, from parts of Monongalia and Harrison, and named from General Francis Marion of the Revolution; area, 300 square miles; seat of justice—Fairmont.

**MARSHALL**, formed in 1835, from Ohio county, and named from John Marshall, Chief Justice of the United States; area, 240 square miles; seat of justice—Moundsville.

**MASON**, formed in 1804, from Kanawha, and named from Stevens Thompson Mason, a distinguished patriot, long a member of the General Assembly of Virginia, and United States Senator from 1794 to 1803; area, 432 square miles; seat of justice—Point Pleasant.

**MERCER**, formed in 1837, from parts of Giles and Tazewell counties, and named from General Hugh Mercer, of the Revolution; area, 400 square miles; seat of justice—Princeton.

**MINERAL**, formed in 1866, from Hampshire, and named from the abundance of its minerals; area, 300 square miles; seat of justice—Keyser.

**MINGO**, formed in 1895, from Logan, and named from a tribe of Indians of that name, of which Logan was a famous chieftain; area,  $406\frac{3}{4}$  square miles; seat of justice—Williamson.

**MONONGALIA**, formed in 1776, from the "District of West Augusta," and named from its principal river; area, 360 square miles; seat of justice—Morgantown.

**MONROE**, formed in 1799, from Greenbrier, and named from James Monroe, a Governor of Virginia, and President of the United States; area, 460 square miles; seat of justice—Union.

**MORGAN**, formed in 1820, from parts of Hampshire and Berkeley, and named from General Daniel Morgan, of the Revolution; area, 300 square miles; seat of justice—Berkeley Springs.

**MCDOWELL**, formed in 1858, from Tazewell, and named from James McDowell, a Governor of Virginia in 1843; area, 840 square miles; seat of justice—Welch.

**NICHOLAS**, formed in 1818, from Greenbrier, and named from Wilson Cary Nicholas, a Governor of Virginia in 1814; area 720 square miles; seat of justice—Summersville.

**OHIO**, formed in 1776, from the "District of West Augusta," and named from the river of that name; area, 120 square miles; seat of justice—Wheeling.

**PENDLETON**, formed in 1787, from parts of Augusta, Hardy and Rockingham counties, and named from Edmund Pendleton, President of the Virginia Court of Appeals; area, 650 square miles; seat of justice—Franklin.

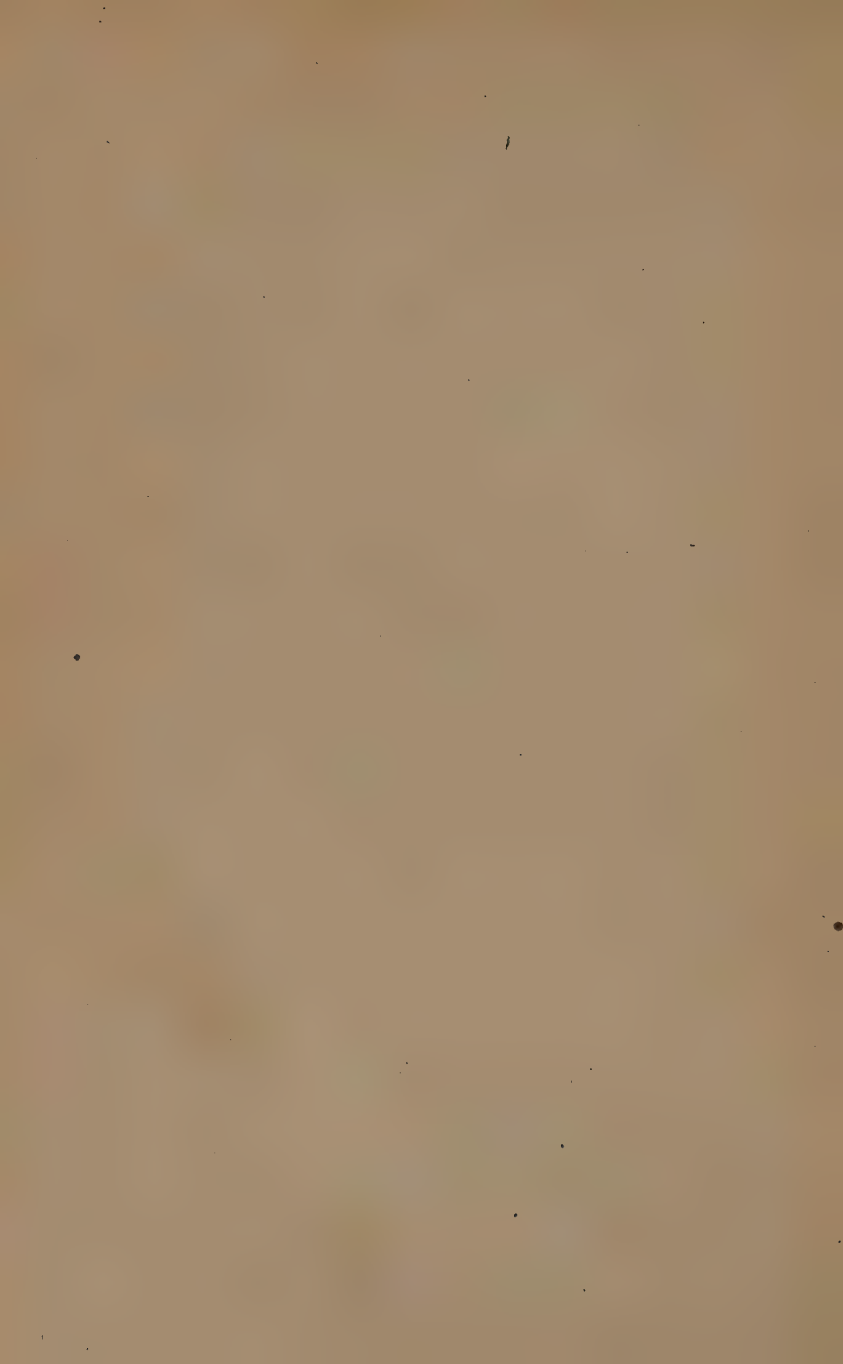
**PLEASANTS**, formed in 1851, from parts of Wood, Tyler and Ritchie, and named from James Pleasants, Jr., a Governor of Virginia in 1822; area, 150 square miles; seat of justice—St. Marys.

**POCAHONTAS**, formed in 1821, from parts of Bath, Pendleton and Randolph, and named from the Indian Princess of that name; area, 820 square miles; seat of justice—Marlinton.

- PRESTON**, formed in 1818, from Monongalia, and named from James P. Preston, a Governor of Virginia in 1816; area, 650 square miles; seat of justice—Kingwood.
- PUTNAM**, formed in 1848, from parts of Kanawha, Mason and Cabell, and named from General Israel Putnam, of the Revolution; area, 320 square miles; seat of justice—Winfield.
- RALEIGH**, formed in 1850, from Fayette, and named from Sir Walter Raleigh; area, 680 square miles; seat of justice—Beckley.
- RANDOLPH**, formed in 1787, from Harrison, and named from Edmund Randolph, a Governor of Virginia in 1787, and afterwards an Attorney-General of the United States; area, 1,080 square miles—the largest county in the State; seat of justice—Elkins.
- RITCHIE**, formed in 1843, from parts of Wood, Harrison and Lewis, and named from Thomas Ritchie, a distinguished Virginia journalist; area, 400 square miles; seat of justice—Harrisville.
- ROANE**, formed in 1856, from parts of Kanawha, Jackson and Gilmer, and named from Spencer Roane, a Judge of the Supreme Court of Appeals of Virginia; area, 350 square miles; seat of justice—Spencer.
- SUMMERS**, formed in 1871, from parts of Monroe, Mercer, Greenbrier and Fayette, and named from George W. Summers, a Member of Congress from Virginia in 1841; area, 400 square miles; seat of justice—Hinton.
- TAYLOR**, formed in 1844, from parts of Harrison, Barbour and Marion, and named from General Zachary Taylor, of the Indian Wars, the Mexican war, and afterward President of the United States in 1849; area, 150 square miles; seat of justice—Grafton.
- TUCKER**, formed in 1856, from Randolph, and named from St. George Tucker, an eminent Virginia jurist; area, 340 square miles; seat of justice—Parsons.
- TYLER**, formed in 1814, from Ohio county, and named from John Tyler, a Governor of Virginia in 1808, and father of the President of the United States of that name; area, 300 square miles; seat of justice—Middlebourne.

- UPSHUR, formed in 1851, from parts of Randolph, Barbour and Lewis, and named from Abel P. Upshur, killed on board United States Steamer Princeton, at Mt. Vernon, in 1844, while serving as U. S. Secretary of State; area, 350 square miles; seat of justice—Buckhannon.
- WAYNE, formed in 1842, from Cabell, named from General Anthony Wayne, of the Revolution; area, 440 square miles; seat of justice—Wayne.
- WEBSTER, formed in 1860, from Nicholas, Braxton and Randolph, and named from Daniel Webster, a distinguished American statesman; area, 450 square miles; seat of justice—Webster Springs.
- WETZEL, formed in 1846, from Tyler, and named from Lewis Wetzel, a distinguished frontiersman and Indian scout; area, 440 square miles; seat of justice—New Martinsville.
- WIRT, formed in 1848, from parts of Wood and Jackson, and named from William Wirt, a distinguished Virginia jurist; area, 290 square miles; seat of justice—Elizabeth.
- WOOD, formed in 1799, from Harrison, and named from James Wood, Governor of Virginia in 1796; area, 375 square miles; seat of justice—Parkersburg.
- WYOMING, formed in 1850, from Logan, and named from an Indian term signifying a plain; area, 660 square miles; seat of justice—Pineville.







and send my love to you with this  
and seal the package with a kiss.

I love you so!  
Please always remember  
The lights are low



